



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 31, 2022** which reads as follows:*

“A.C. No. 13476 [Formerly UE Case No. 19-411] (Rosita R. Quindoyos v. Atty. Jingboy M. Atonen and Atty. Evangeline Santiago-Macato).

The Court Notes the Integrated Bar of the Philippines (IBP) Board of Governors’ (1) Notice of Resolution dated January 26, 2020 which adopted and approved the Report and Recommendation dated October 1, 2019 of the Investigating Commissioner dated October 1, 2019 to dismiss the complaints against respondents; and (2) Notice or Resolution No. CBD-XXV-2021-12-14 dated December 2, 2021 which denied complainant’s motion for reconsideration for being premature, pending the disposition of the case filed by the complainant against respondents for damages with the Regional Trial Court; both transmitted by letter dated March 25, 2022 of Director Avelino V. Sales Jr., IBP Commission on Bar Discipline, together with the records and flash drive file of the case.

Antecedents

By Complaint¹ dated February 26, 2018, complainant Rosita R. Quindoyos (complainant) charged respondents Atty. Jingboy M. Atonen and Atty. Evangeline Santiago-Macato (respondents) with violation of the Code of Professional Responsibility (CPR) for their grave, malicious, and uncalled for imputations in their pleading. She alleged:

Respondents served as counsel for plaintiff Leonardo Fontanilla (*Leonardo*) in a Forcible Entry case Leonardo filed against complainant before the Municipal Circuit Trial Court (MCTC) for Tayug, Pangasinan. In his Complaint² dated December 7, 2017, Leonardo, through respondents, made the following remarks against her:

¹ Volume I, *rollo*, pp. 1-3

² Pending before the 9th Municipal Circuit Trial Court for Tayug, Pangasinan, id. at 5-12.

filed

4. That sometime [in] September 2017, defendant[,] together with some men[,] came in the premises and she had caused the fencing of the property being occupied by Plaintiff and his son. Likewise, Defendant and h[er] workers had forcibly uprooted the vegetable plants of Plaintiff. Plaintiff tried to stop the defendant and her men but she threatened the Plaintiff that if he will complain, **they will do some harm to him and his family**. At that time, Plaintiff saw that the defendant, being a retired police officer, is in possession of a firearm in her waist. Thus[,] the Plaintiff kept silent and all he could do is to take pictures of the uprooted vegetable plants and the concrete fence that Defendants (sic) had placed [o]n the property. Copies of the pictures are hereto attached and marked as Annexes "D and series"[.]

X X X X

17. Up to now, defendants are **still illegally occupying** the subject property and **continue to threaten** the plaintiff every time that the latter attempts to repossess the property, causing much damage, anxiety, stress[,] and prejudice to the plaintiff considering that he used his hard earned money to buy the subject property yet he is unable to freely and voluntarily possess the same and which feelings and emotions of the plaintiffs should be compensated by the Defendants in terms of moral damages, which if quantified would amount to THIRTY THOUSAND PESOS (P30,000.00) which is left to the sound discretion and determination of the Honorable Court.

18. To teach defendants a lesson and to give warning to those similarly minded individuals from wantonly violating the rights of law abiding citizens, and for defendant **abusing her power** as a retired police officer and putting the law into her hands, an award of exemplary damages in an amount to be determined by the Honorable Court as may be warranted by the evidence is likewise prayed for;

X X X X

ALLEGATIONS IN SUPPORT OF PLAINTIFF'S PRAYER FOR INJUNCTION

X X X X

23. Plaintiff bought the subject property in good faith from the deceased Spouses Reyes as the owner. He has fully cultivated and improved the same out of his sheer labor. On the other hand, defendants are mere **intruders** and **members of squatting syndicate** who just want to **grab the property from the lawful owners for free**. Defendants' act is simply an act of **broad day robbery** which should not be tolerated at all costs.

X X X X

31. That under the present circumstances obtaining in this case, there is no other plain, speedy, and adequate remedy in the ordinary course of law to immediately stop defendants from further **prostituting** and trampling on

the rights of plaintiff except the issuance of a Restraining Order in order to save the property from depredation owing to the continued wanton acts of defendants and considering the fact that the Defendants are already disregarding lawful authorities like that of the Office of the Punong Barangay.³ (Emphases supplied)

As a retired police commissioned officer herself, she was shocked and deeply hurt having been described as a member of a syndicate and a land-grabber – accusations which are criminal in nature. Instead of exercising due caution, respondents resorted to the use of malicious terms intended to malign her reputation. The insinuations were baseless, uncalled for, and unnecessary in advancing their client’s interests.

Contrary to Leonardo’s and respondents’ malicious accusations, the appellate court in CA–G.R. SP No. 135581 entitled *Heirs of Romeo Z. Quindoyos, namely: Rosita R. Quindoyos, Roma R. Quindoyos, Niño R. Quindoyos, and Romeo Quindoyos, Jr. v. Celedonio Lopez a.k.a. Sonny Lopez* ruled that the Heirs of Quindoyos (including herein complainant) were the lawful owners of the parcel of land subject of the forcible entry case.⁴ The appellate court’s decision lapsed into finality on June 27, 2016.

She prayed for the Court to impose appropriate sanctions against respondents to deter them from further committing the same act to other opposing litigants.⁵

**Report and Recommendation of the
Integrated Bar of the Philippines - Commission on Bar Discipline (IBP-
CBD)**

In his Report and Recommendation⁶ dated October 1, 2019, Director for Bar Discipline Randall C. Tabayoyong (*Director Tabayoyong*) recommended that the complaint against respondents be dismissed without prejudice. The administrative charge against respondents, according to Director Tabayoyong, was intertwined with the forcible entry case - the resolution of which, would preempt the resolution of the forcible entry case. At any rate, therein plaintiff Leonardo stated under oath that he caused the preparation of the complaint in the forcible entry case and declared that the allegations therein were true and correct according to his own personal knowledge.

³ Id.

⁴ Id. at 2.

⁵ Id. at 3.

⁶ Volume II, *rollo*, pp. 2–4.

Resolutions of the IBP-Board of Governors (BOG)

By Resolution⁷ dated January 26, 2020, the IBP-BOG affirmed.

In her motion for reconsideration,⁸ complainant manifested that in the forcible entry case, the 9th MCTC for Tayug, Pangasinan, ruled in her favor holding that she, including the other Heirs of Romeo Quindoyos, were peacefully installed possession by virtue of a judgment in CA-G.R. SP No. 135581 which lapsed into finality on June 27, 2016.

In their Comment,⁹ respondents countered that the complained allegations were pertinent to Leonardo's cause of action. They merely reduced into writing Leonardo's allegations – consistent with their duty to zealously protect Leonardo's rights. In fact, the alleged offensive language was not directed at complainant herself but to her actions which, on the part of Leonardo, partook of forcible entry. At any rate, Leonardo signed the verification and certification to confirm that the allegations therein were true and correct to his best personal knowledge.

Lastly, the administrative complaint here violated the prohibition on forum shopping in view of Civil Case No. T - 3100 for damages filed by complainant arising from the same facts raised in this case – that the language used in the complaint for forcible entry damaged her reputation.¹⁰

Complainant's reconsideration got denied by Resolution dated December 2, 2021.¹¹

The IBP elevated the entire case records to the Court since the IBP Resolutions are merely recommendatory in nature and do not attain finality without the Court's imprimatur.

Ruling

Membership in the bar imposes certain obligations. Lawyers are duty bound to uphold the dignity of the legal profession, act honorably, fairly, and candidly towards each other, and always conduct themselves beyond reproach.¹² The practice of law is a privilege bestowed on lawyers who meet high standards of legal proficiency and morality.¹³

⁷ Id. at 1.

⁸ Volume I, *rollo*, pp. 5–10.

⁹ Volume II, *rollo*, pp. 88–96.

¹⁰ Volume I, *rollo*, p. 2.

¹¹ Unpaginated.

¹² See *Garcia v. Lopez*, 558 Phil. 1, 5 (2007).

¹³ See *Noble III v. Ailes*, 762 Phil. 296, 300 (2015).

Rule 8.01 of the CPR specifically mandates lawyers to temper his or her words in the performance of his or her duties as lawyers and officers of the court,¹⁴ viz.:

Rule 8.01 — A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

The same duty is reiterated in Section 20(f), Rule 138 of the Rules of Court, viz.:

Section 20. Duties of attorneys. — It is the duty of an attorney:

x x x x

(f) To abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged.

The above provisions prohibit the use of intemperate, offensive, and abusive language in a lawyer's professional dealings, whether with the courts, his or her clients, or any other person.¹⁵ "Language abounds with countless possibilities for one to be emphatic but respectful, convincing but not derogatory, and illuminating but not offensive."¹⁶

The intemperate and offensive language subject of the present administrative complaint are respondents' ascriptions to complainant as a member of a squatting syndicate and a land-grabber. For the IBP-CBD and Board of Governors, the resolution of the present administrative complaint is closely intertwined and would preempt the resolution of the forcible entry case then pending before the 9th MCTC for Tayug, Pangasinan.

We do not agree.

The causes of action of the present administrative complaint and the forcible entry case are separate and distinct. The present administrative complaint seeks to determine whether respondents resorted to the use of intemperate and offensive language in their pleading violative of the CPR. A forcible entry case, on the other hand, seeks to determine the nature of complainant's entry into the disputed property – whether Leonardo was deprived of physical possession of the subject parcel of land by means of force, intimidation, threat, strategy, or stealth.¹⁷ Verily, the resolution of

¹⁴ See *Spouses Nuezca v. Villagarcia*, 792 Phil. 535, 538 (2016).

¹⁵ See *Gimeno v. Zaide*, 759 Phil. 10, 15 (2015).

¹⁶ *Supra* note 10 at 540.

¹⁷ See *Bugayong-Santiago v. Bugayong*, 822 Phil. 394, 395 (2017).

whether respondents used intemperate language in the present administrative complaint is in no way connected with the forcible entry case.

Using the same line of thought, respondents cannot be said to have committed forum shopping by filing another civil case for damages (Civil Case No. T - 3100 for Damages) since the damages prayed for in said case do not, in any way, determine, nor preempt respondents' culpability in the present administrative case.

We proceed to determine whether respondents' ascriptions transgressed the bounds of decency, cordiality, and relevance.

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. While lawyers are entitled to present their cases with vigor and courage, such enthusiasm does not justify the use of offensive and abusive language.¹⁸

The ascriptions on the complainant, in this case, failed to muster the test of relevancy. Under this test, a matter alleged in the course of a proceeding need not be in every case material to the issues presented but should be legitimately related to the issues or be so pertinent to the controversy that it may become the subject of inquiry in the course of trial.¹⁹

Instead of simply laying down the ultimate facts relative to the alleged forcible entry to their client's property, respondents went on to describe complainant as a member of a squatting syndicate and worse, a land-grabber. "The language vehicle does not run short of expressions."²⁰ But respondents should have refrained from the imputation of criminal offenses against complainant, especially considering that there is a proper forum in a court of proper jurisdiction.²¹ For the Court, the unkind ascriptions of complainant are unnecessary and uncalled for in defending Leonardo's cause of action. Indeed, respondents' ascriptions besmirched complainant's reputation. Respondents could have easily defended Leonardo's interests without necessarily describing her as a member of a squatting syndicate and a land-grabber.

In *Barandon, Jr. v. Ferrer, Sr.*,²² the Court held that a criminal ascription or charge should be aired in a proper forum and without necessarily using offensive, abusive language, and unkind ascriptions in a pleading.

¹⁸ See *Saberon v. Larong*, 574 Phil. 510, 517 (2008).

¹⁹ *Alcantara v. Ponce*, 545 Phil. 677, 685 (2007).

²⁰ See *Washington v. Dicen*, 835 Phil. 837, 841 (2018).

²¹ *Supra* note 10 at 539.

²² 630 Phil. 524, 530 (2010).

The Court takes this opportunity to once again remind members of the Bar to abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which he or she is charged. In keeping with the dignity of the legal profession, a lawyer's language, even in his or her pleadings, must be dignified.²³ The use of intemperate language and unkind ascriptions deserve no place in the dignity of judicial forum.²⁴

Penalty

Respondent's violation of Rule 8.01 of the CPR is not so severe to merit the penalties of disbarment or suspension from the practice of law.²⁵ In the imposition of the proper penalty on respondents, the Court is guided by *Dimaculangan v. Jurado*,²⁶ where respondent was reprimanded for his use of intemperate language violative of Rule 8.01 of the CPR.

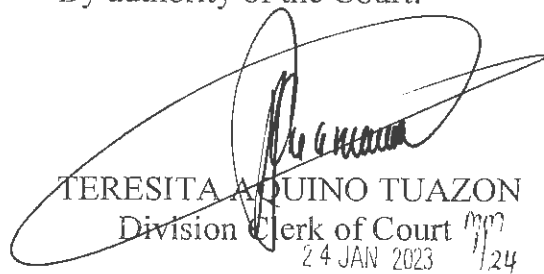
FOR THESE REASONS, respondents Atty. Jingboy M. Atonen and Atty. Evangeline Santiago-Macato are found **GUILTY** of violating Rule 8.01 of the Code of Professional Responsibility. They are **REPRIMANDED** to be more circumspect in their language and in the performance of their duties as lawyers and **REFRAIN** from using derogatory and indecent remarks in their pleadings. They are **STERNLY WARNED** that a repetition of the same or similar acts shall be dealt with more severely.

Let a copy of this Resolution be attached to respondents' 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 to the Office of the Court Administrator for dissemination to all courts of the Philippines.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
24 JAN 2023 11/24

²³ Supra note 14 at 517.

²⁴ Supra note 16.

²⁵ See *Fentura v. Linsangan*, A.C. No. 12794, February 3, 2021.

²⁶ A.C. No. 12359, April 8, 2019.

ROSITA QUINDOYOS (reg)
Complainant
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Tayug, Pangasinan

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