



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Manila

**EN BANC**

**IN RE: G.R. No. 185806**  
**GENEROSO ABELLANOSA,**  
**ET AL., versus COMMISSION**  
**ON AUDIT AND NATIONAL**  
**HOUSING AUTHORITY,**  
Complainant,

**A.C. No. 12426**

Present:

BERSAMIN, C.J.,  
CARPIO,  
PERALTA,  
DEL CASTILLO,  
PERLAS-BERNABE,\*  
LEONEN,  
JARDELEZA,  
CAGUIOA,  
A. REYES, JR.,  
GESMUNDO,  
J. REYES, JR.,  
HERNANDO, and  
CARANDANG, JJ.

- versus -

**ATTY. CIPRIANO P. LUPEBA,**  
Respondent.

Promulgated:

March 5, 2019

X-----X

**RESOLUTION**

**PER CURIAM:**

This administrative complaint arose from the Petition for *Certiorari* filed with the Court by Generoso Abellanos, et al. (Abellanos, et al.) against the Commission on Audit (COA) and National Housing Authority (NHA) docketed as G.R. No. 185806.

\* On official leave.

### Facts of the Case

Attorney Cipriano P. Lupeba (Atty. Lupeba) is the counsel on record of Abellanosa, et al.

In a Resolution<sup>1</sup> dated January 27, 2009, the Court ordered COA and NHA to file its Comment to the Petition. Said Resolution also directed Abellanosa, et al. to indicate their contact details or their counsel in all papers and pleadings filed with the Court; to show proof of service of the Petition with a full statement of the actual date, place and matter of service; and to indicate Atty. Lupeba's current Professional Tax Receipt Number and Integrated Bar of the Philippines (IBP) Official Receipt Number or Life Membership Number.

Lupeba, as counsel on record of Abellanosa, et al., failed to comply with the directive of this Court. In a Resolution<sup>2</sup> dated June 9, 2009, this Court directed Atty. Lupeba to "Show Cause why he should not be disciplinarily dealt with or held in contempt" for his failure to comply with the Resolution dated January 27, 2009. He was likewise ordered to comply with said Resolution within ten (10) days from notice.

Meanwhile, COA and NHA filed their Comment on the Petition through the Office of the Solicitor General. Abellanosa, et al. were required to file a Reply to the Comment within ten (10) days from notice.<sup>3</sup> However, no Reply was filed and Atty. Lupeba still failed to comply with the previous directives of this Court in the Resolutions dated January 27, 2009 and June 9, 2009. As a result, this Court imposed a fine of ₱1,000.00 against Atty. Lupeba and required the latter to comply with the Resolution dated June 9, 2009 by providing an explanation why he should not be sanctioned<sup>4</sup> for failure to follow the Court order.

On March 23, 2010, this Court resolved to dismiss<sup>5</sup> the Petition for failure of Atty. Lupeba to obey the lawful order of the Court pursuant to Rule 56, Section 5(e)<sup>6</sup> of the Rules of Civil Procedure. This Court also reiterated the imposition of the ₱1,000.00 fine against Atty. Lupeba and the directive to Show Cause why he should not be disciplinarily dealt with or held in contempt. Atty. Lupeba then filed Compliance paying the ₱1,000.00

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<sup>1</sup> *Rollo*, p. 3.

<sup>2</sup> *Id.* at 7.

<sup>3</sup> *Id.* at 9, Resolution dated June 23, 2009.

<sup>4</sup> *Id.* at 10, Resolution dated November 24, 2009.

<sup>5</sup> *Id.* at 11.

<sup>6</sup> Sec. 5. Grounds for dismissal of appeal.

The appeal may be dismissed *motu proprio* or on motion of the respondent on the following grounds:

x x x x

e) Failure to comply with any circular, directive or order of the Supreme Court without justifiable cause; x x x

fine. He, likewise, moved to reconsider the dismissal of the Petition. On June 22, 2010, this Court granted the motion for reconsideration; reinstated the petition and directed Atty. Lupeba to submit his contact details within five (5) days from notice.<sup>7</sup> Again, Atty. Lupeba failed to follow the order of this Court and was issued a Show Cause Resolution.<sup>8</sup>

On July 24, 2012, this Court promulgated a Decision on the merits dismissing the Petition. Abellanosa, et al., Atty. Lupeba as counsel, filed a Motion for Reconsideration. COA and NHA filed their Comment to the Motion for Reconsideration. On June 10, 2013, Abellanosa, et al. were respectively required by this Court to file their Consolidated Reply.<sup>9</sup> For failure to file the Consolidated Reply, this Court issued a Show Cause Resolution dated June 25, 2014. Atty. Lupeba failed to comply with said Show Cause Resolution, thus he was ordered to pay a fine of ₱5,000.00 for his failure to file the Reply. This Court also resolved to consider Abellanosa, et al. to have waived their right to file said Reply.<sup>10</sup>

In a letter dated February 2, 2015, the Supreme Court Chief Judicial Staff Officer of the Cash Collection and Disbursement Department of the Fiscal Management and Budget Office stated that there was no record of payment by Atty. Lupeba in the amount of ₱5,000.00. This Court noted said letter and directed the Executive Judge of Cagayan De Oro City to issue a warrant of arrest against Atty. Lupeba. Further, Atty. Lupeba's repeated and unjustified failure to obey the lawful orders of the Court was referred to the IBP for disciplinary investigation and recommendation.<sup>11</sup>

Atty. Lupeba failed to participate at the proceedings with the IBP. Hence, the case was submitted for resolution. In the Report and Recommendation dated March 3, 2016, Investigating Commissioner Rebecca Villanueva-Maala recommended that Atty. Lupeba be suspended from the practice of law and as a member of the Bar for five (5) years. The Investigating Commissioner held that Atty. Lupeba's repeated and unjustified failure to obey the orders of the Court was "disrespect to the judicial incumbents and to the branch of government which they belong x x x." Atty. Lupeba, as a lawyer, is called upon to obey court orders and processes. "They should stand foremost in complying with Court's directives or instructions. x x x This is absolutely essential to the maintenance of a government of laws and not of men."<sup>12</sup>

In a resolution dated February 22, 2018, the IBP Board of Governors affirmed the recommendation of suspension for five (5) years and imposed a fine of ₱10,000.00 against Atty. Lupeba.

<sup>7</sup> *Rollo*, p. 13.

<sup>8</sup> *Id.* at 16.

<sup>9</sup> *Id.* at 22.

<sup>10</sup> *Id.* at 25, Resolution dated October 14, 2014.

<sup>11</sup> IBP Report, *id.* at 42.

<sup>12</sup> *Id.*

### Ruling of the Court

This Court finds evidence on record to support the recommended penalty imposed on Atty. Lupeba.

It must be remembered that the practice of law is not a right but a mere privilege and, as such, must bow to the inherent regulatory power of the Supreme Court to exact compliance with the lawyers public responsibilities.<sup>13</sup> Lawyers are called upon to obey court orders and processes and their deference is underscored by the fact that willful disregard thereof will subject the lawyer not only to punishment for contempt but to disciplinary sanctions as well. In fact, a lawyer is imposed graver responsibility than any other to uphold the integrity of the courts and to show respect to their processes.<sup>14</sup>

From the facts, Atty. Lupeba failed to comply with the Court's lawful orders. He did not give any justifiable reason why he disobeyed the directives of this Court. Atty. Lupeba was given time from 2009 to 2015 to explain why he should not be sanctioned, yet he failed to respond to any of the said orders of the Court. In fact, he did not even participate at the proceedings before the IBP. Atty. Lupeba only filed a Compliance for payment of the fine of ₱1,000.00 and also filed the Motion for Reconsideration of Our Resolution dismissing the Petition for repeated failure to file a Reply.<sup>15</sup> We emphasize that a "Court's resolution is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively."<sup>16</sup> Atty. Lupeba's actions not only stand his disrespect to the Court, but also constitute gross misconduct and willful disobedience of the lawful orders of this Court, which under Section 27,<sup>17</sup> Rule 138 of the Rules of Court is a sufficient cause for suspension or disbarment.

The penalty of suspension or disbarment is meted out in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court. Atty. Lupeba's acts in wantonly disobeying his duties as an officer of the court show utter disrespect for the Court and a complete

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<sup>13</sup> See *Maniago v. Atty. De Dios*, A.C. No. 7472, March 30, 2010 citing *Letter of Atty. Cecilio Y. Arevalo, Jr., Requesting Exemption from Payment of IBP Dues*, B.M. No. 1370, May 9, 2005, 458 SCRA 209, 216.

<sup>14</sup> *Sebastian v. Atty. Bajar*, A.C. No. 3731, September 7, 2007, 532 SCRA 435, 449.

<sup>15</sup> *Rollo*, p. 11.

<sup>16</sup> *Sebastian v. Atty. Bajar*, supra at 449.

<sup>17</sup> Section 27. Attorneys removed or suspended by Supreme Court on what grounds. — A member of the bar may be removed 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 the admission to practice, or for a willfull disobedience of any lawful order of a superior court, or for corruptly or willful appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

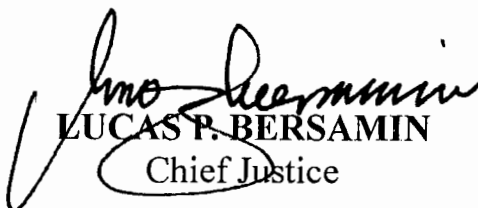
disregard of his duties as a member of the legal profession. Therefore, his suspension for five years is warranted.

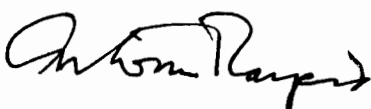
Records<sup>18</sup> also show that Atty. Lupeba did not settle the ₱5,000.00 fine imposed by this Court in the Resolution dated October 14, 2014.<sup>19</sup> In view of his inordinate delay to settle said amount, the imposition of twice the value of the initial fine is proper to sanction Atty. Lupeba and to make an example of his case in order to deter others from the same conduct. This Court affirms the payment of the fine of ₱10,000.00.


**WHEREFORE**, respondent Attorney Cipriano P. Lupeba is hereby **SUSPENDED** from the practice of law for a period of **FIVE (5) YEARS** effective from notice and to pay a fine of ₱10,000.00; with a **STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.


Let a copy of this Resolution be entered in the personal records of respondent as a member of the Bar, and copies furnished to the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED.**

  
LUCAS P. BERSAMIN  
Chief Justice

  
ANTONIO T. CARPIO  
Associate Justice

  
DIOSDADO M. PERALTA  
Associate Justice

  
MARIANO C. DEL CASTILLO  
Associate Justice

(on official leave)  
ESTELA M. PERLAS-BERNABE  
Associate Justice

<sup>18</sup> IBP Report, *rollo*, p. 42.

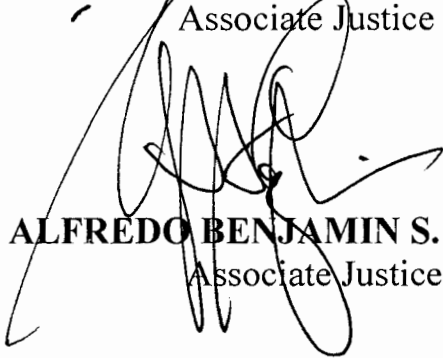
<sup>19</sup> *Id.* at 25.



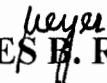
**MARVIC M.V.F. LEONEN**  
Associate Justice



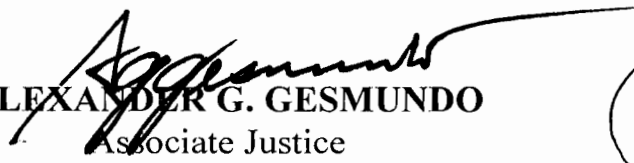
**FRANCIS H. JARDELEZA**  
Associate Justice



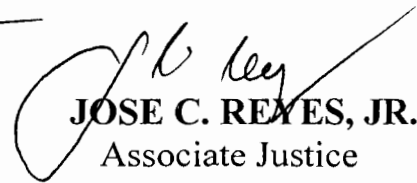
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice




**ANDRES B. REYES, JR.**  
Associate Justice



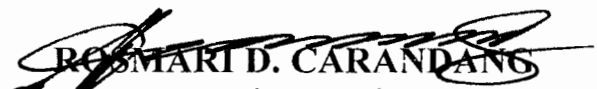
**ALEXANDER G. GESMUNDO**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice



**RAMON PAUL L. HERNANDO**  
Associate Justice



**ROSMARI D. CARANDANG**  
Associate Justice