



Republic of the Philippines
 Supreme Court
 Manila

FIRST DIVISION

ATTY. HONESTO ANCHETA
 CABARROGUIS,

Complainant,

A.C. No. 8789

Present:

PERALTA, C.J.,
 Chairperson,
 CAGUIOA,
 REYES, J., JR.,
 LAZARO-JAVIER, and
 LOPEZ, JJ.

- versus -

ATTY. DANILO A. BASA,
 Respondent.

Promulgated:

MAR 11 2020

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DECISION

CAGUIOA, J.:

This instant administrative case arose from a verified Complaint¹ for disbarment filed by complainant Atty. Honesto Ancheta Cabarroguis (Atty. Cabarroguis) against respondent Atty. Danilo A. Basa (Atty. Basa) before this Court. Atty. Cabarroguis accuses Atty. Basa of violations of Canon 1, Rules 1.01 and 1.03;² Canon 8, Rule 8.01;³ Canon 10;⁴ Rules 12.02 and

¹ Rollo, Vol. I, pp. 2-39.

² CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

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

³ CANON 8 - A LAWYER SHALL CONDUCT HIMSELF WITH COURTESY, FAIRNESS AND CANDOR TOWARDS 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.

⁴ CANON 10 - A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

12.04;⁵ Rule 15.05;⁶ and Rule 19.01⁷ of the Code of Professional Responsibility (CPR).

The Case

Atty. Cabarroguis alleged in his complaint that he was the retained legal counsel of his friend, Godofredo V. Cirineo, Jr. (Godofredo), who filed an *estafa* case against his sister-in-law, Erlinda Basa-Cirineo (Erlinda) before the Regional Trial Court (RTC) of Davao City, Branch 11. Erlinda was represented by her brother, Atty. Basa.⁸ Atty. Cabarroguis accused Atty. Basa of dilatory tactics when, after eight years of court trial, Atty. Basa asked for the inhibition of the presiding judge, Hon. Renato Fuentes (Judge Fuentes). After Judge Fuentes inhibited himself, all the other presiding judges of the other regular RTCs to whom the case was raffled, also inhibited themselves one after the other and for one reason or another.⁹

Atty. Cabarroguis further alleged that Atty. Basa exhibited his immaturity on two occasions. First was through an omnibus motion filed by Atty. Basa in a civil case on behalf of his clients, Raul and Evelyn Molabola (collectively, the Molabolas), where he repeatedly spelled Atty. Cabarroguis' first name, Honesto, as "HONESTo." Second was through a demand letter involving the same case in which Atty. Basa purportedly misspelled the first name of Atty. Cabarroguis as "Honest."¹⁰

Atty. Cabarroguis also alleged that in retaliation against him for being the private prosecutor in the *estafa* case against Atty. Basa's sister, Erlinda, Atty. Basa filed numerous administrative, civil, and criminal cases against him which were all malicious and unfounded. Atty. Cabarroguis enumerated these cases, to wit:

1. CBD-ADM Case No. 6629 *Danilo Basa v. Atty. Honesto A. Cabarroguis* for Falsification
2. CBD-ADM Case No. 07-2110 *Raul Molabola and Evelyn Molabola v. Atty. Honesto A. Cabarroguis* for Falsification and Perjury
3. CBD-ADM Case No. 08-2223 *Atty. Danilo A. Basa v. Atty. Honesto A. Cabarroguis* for Falsification and Perjury

⁵ Rule 12.02 - A lawyer shall not file multiple actions arising from the same cause.

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

⁶ Rule 15.05. - A lawyer when advising his client, shall give a candid and honest opinion on the merits and probable results of the client's case, neither overstating nor understating the prospects of the case.

⁷ Rule 19.01 - A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

⁸ *Rollo*, Vol. I, pp. 9-11; p. 64.

⁹ *Id.* at 11-12.

¹⁰ *Id.* at 5-6.

4. I.S. No. 03-E-3753 *Danilo A. Basa v. Atty. Honesto A. Cabarroguis* for Falsification
5. I.S. No. 2006-D-2748 *Danilo A. Basa v. Atty. Honesto A. Cabarroguis* for Falsification
6. I.S. No. 2006-E-3378 *Atty. Danilo A. Basa v. Atty. H. A. Cabarroguis and Godofredo Cirineo* for Falsification
7. I.S. No. 08-E-4146 *Atty. Danilo A. Basa v. Atty. H. A. Cabarroguis* for Falsification (2 counts)
8. I.S. No. 2008-G-5045 *Erlinda B. Cirineo v. Atty. Honesto A. Cabarroguis and Atty. Dante C. Sandiego* for Falsification
9. I.S. No. 2008-[G]-5045-A *Danilo A. Basa v. Atty. H. A. Cabarroguis* for Falsification
10. I.S. No. 07-F-4093 *Raul Molabola, et al. v. H. A. Cabarroguis* for Falsification and Perjury (2 counts)
11. I.S. No. 07-F-4094 *Raul Molabola, et al. v. Honesto A. Cabarroguis* for Falsification and Perjury
12. I.S. No. 07-F-4095 *Raul Molabola, et al. v. Honesto A. Cabarroguis* for Falsification and Perjury
13. I.S. No. 07-F-4096 *Raul Molabola, et al. v. Honesto A. Cabarroguis* for Falsification and Perjury
14. I.S. No. 07-F-4097 *Raul Molabola, et al. v. Honesto A. Cabarroguis* for Falsification and Perjury
15. I.S. No. 07-[F]-4098 *Raul Molabola, et al. v. Honesto A. Cabarroguis* for Falsification and Perjury
16. I.S. No. 07-F-4099 *Raul Molabola, et al. v. Honesto A. Cabarroguis* for Falsification and Perjury
17. I.S. No. 07-G-4682 *Raul Molabola, et al. v. Honesto A. Cabarroguis* for Falsification
18. A-RSPO XI No. 2004-004 *Atty. Danilo A. Basa v. Atty. H. A. Cabarroguis* for Falsification
19. A-RSPO XI No. 2006-062 *Danilo A. Basa v. Atty. H. A. Cabarroguis* for Falsification
20. A-[ORSPXI No. 2009-K-080 to 2009-K-081] *Erlinda Basa-Cirineo v. Atty. H. A. Cabarroguis and Atty. Dante C. Sandiego* for Falsification
21. A-[ORSP] XI No. 2008-G-025 to 2008-G-[031] *Raul Molabola, et al. v. Atty. H. A. Cabarroguis* for Falsification and Perjury
22. Criminal Case Nos. 134-394 to 400-C-2009 *People of the Philippines v. Atty. Honesto A. Cabarroguis* for Falsification and Perjury
23. Civil Case No. 35041 *Raul Molabola, et al. v. Atty. Honesto A. Cabarroguis* for damages and attorney's fees with preliminary attachment pending trial¹¹

Atty. Cabarroguis also pointed out that in a complaint for malicious prosecution he filed against Atty. Basa, the latter offered in evidence different court records in several cases where Atty. Cabarroguis was counsel or party-litigant to prove that he was engaging in patently dishonest and deceitful conduct.¹² Atty. Cabarroguis prayed that the Court orders Atty.

¹¹ Id. at 14-20.

¹² Id. at 32-35.



Basa to suppress or destroy this extensive database gathered about him in violation of the Writ of Habeas Data.¹³

In his Comment to the Complaint,¹⁴ Atty. Basa attempted to set the record straight about the alleged numerous cases he filed against Atty. Cabarroguis. In CBD-ADM Case No. 6629, contrary to Atty. Cabarroguis' assertion that it was dismissed, the Integrated Bar of the Philippines-Board of Governors (IBP-BOG) found him guilty of ethical misconduct and admonished him for preparing the affidavit-complaint for *estafa* against Erlinda, signing it and swearing it before an administering officer despite having no personal knowledge of the facts recited therein.

Atty. Cabarroguis was also being untrue when he said in his complaint that CBD-ADM Case No. 07-2110 was awaiting the outcome of the eight criminal complaints filed with the City Prosecution Office of Davao City against him. Atty. Basa countered that there was nothing in the record of CBD-ADM Case No. 07-2110 which showed this status. On the contrary, before the filing of the administrative complaint, the City Prosecution Office of Davao City had already filed against Atty. Cabarroguis two Informations for Perjury and five Informations for Falsification in the Municipal Trial Courts in Cities in Davao City.

Atty. Basa also cleared up that CBD-ADM Case No. 08-2223 was already decided by the IBP-BOG, finding Atty. Cabarroguis guilty of violating Canon 10 of the CPR and meting him with the penalty of suspension from the practice of law for one (1) year.

Atty. Basa clarified further that it was not he who personally filed or instituted several of the criminal cases adverted to by Atty. Cabarroguis, but his clients. Specifically, I.S. Nos. 07-F-4093, 07-F-4094, 07-F-4095, 07-F-4096, 07-F-4097, 07-F-4098, 07-F-4099 and 07-G-4682 were supported with affidavit-complaints of the Molabolas, while I.S. Nos. 2008-G-5045 and 2008-G-5045-A were supported with the affidavit-complaints of Erlinda.

Moreover, A-RSPO XI No. 2004-004, A-RSPO XI No. 2006-062, A-RSPO XI, A-ORSP XI No. 2008-G-025 to 2008-G-031 were appealed cases of the Resolutions of the City Prosecution Office before the Regional State Prosecutor, specifically, of I.S. Nos. 03-E-3753, 2006-D-2748, 2008-G-5045, 2008-G-5045-A, 07-F-4093-99, and 07-G-4682.

Thus, according to Atty. Basa, Atty. Cabarroguis was then facing in court two counts of Perjury and five counts of Falsification, together with

¹³ Id. at 36.

¹⁴ Id. at 215-232.



administrative sanctions recommended by the IBP-BOG in three separate administrative cases.¹⁵ He stressed that the instant complaint against him was only filed by Atty. Cabarroguis after all the other cases against the latter were filed. The truth then was that Atty. Cabarroguis was the one motivated by vengeance in filing the instant disbarment suit against Atty. Basa.

Lastly, as to the voluminous evidence he offered in the complaint for malicious prosecution that Atty. Cabarroguis filed against him, Atty. Basa maintained it was done in the exercise of his right to defend himself and to disprove the several self-laudatory allegations contained in the complaint.

After the Court referred the Complaint and the Comment to the IBP for investigation, report and recommendation, Atty. Cabarroguis filed three more supplemental complaints. In his first Supplemental Complaint and Reply to the Comment to the Complaint,¹⁶ Atty. Cabarroguis alleged that Atty. Basa filed another retaliatory complaint for falsification against him, which was dismissed by the Office of the City Prosecutor of Davao City for lack of probable cause. He also insisted how obvious it was that all the other complaints against him were commenced after he filed an *estafa* case against Erlinda.

In his Second Supplemental Complaint,¹⁷ Atty. Cabarroguis narrated the various motions and pleadings filed by the parties in said falsification case adverted to in the first supplemental complaint to underscore the further retaliatory acts of Atty. Basa against him.

In his Third Supplemental Complaint,¹⁸ Atty. Cabarroguis alleged that Atty. Basa filed two new retaliatory complaints for disbarment against him in the form of: (1) a manifestation and motion (in the malicious prosecution case filed by Atty. Cabarroguis against Atty. Basa) to take judicial notice of a complaint Atty. Cabarroguis filed against a certain Dario Tangcay for collection of unpaid attorney's fees; and (2) a supplement to the motion for reconsideration Atty. Basa filed in CBD-ADM Case No. 08-2223.

The IBP Proceedings

After the mandatory conference and the submission of the parties' position papers, the Investigating Commissioner issued a Report and Recommendation¹⁹ to suspend Atty. Basa from the practice of law for one (1) year. The Investigating Commissioner found Atty. Basa to have clearly

¹⁵ Id. at 224. One-year suspension in CBD-ADM Case No. 07-2110; one-year suspension in CBD-ADM Case No. 08-2223; and admonition in CBD-ADM Case No. 6629.

¹⁶ Id. at 334-345.

¹⁷ Id. at 469-473.

¹⁸ *Rollo*, Vol. II, pp. 1290-1295.

¹⁹ Id. at 1333-1337. Rendered by Commissioner Oliver A. Cachapero.



breached his ethical duty towards his fellow lawyer under Canon 8 of the CPR when he showed extraordinary zeal in representing his sister in the *estafa* case filed by Atty. Cabarroguis' client, Godofredo. He employed harassing and annoying tactics while the case was being tried, evidenced by the several cases Atty. Basa filed against Atty. Cabarroguis. These cases had been clearly triggered by the *estafa* case against Erlinda as all had been instituted after the filing of the *estafa* case.

The Investigating Commissioner also held that Atty. Basa had shown abuse of processes when he filed the multiple suits against Atty. Cabarroguis and when he moved for the inhibition of the judges handling the *estafa* case. He clearly prostituted the judicial processes manifestly for delay and did not advance the cause of law or his client by commencing such unmeritorious cases.

Also, by poking fun at the name of Atty. Cabarroguis in his letter and his omnibus motion, Atty. Basa denied the esteem his fellow lawyer deserved and instead, denigrated and belittled him.

The IBP-BOG, in Resolution No. XXI-2014-484²⁰ dated August 10, 2014, resolved to adopt the findings of fact and recommendation of the Investigating Commissioner.

Both parties filed their respective motions for reconsideration. Atty. Basa argued that Atty. Cabarroguis was guilty of forum shopping, particularly insofar as CBD-ADM Case Nos. 6629, 07-2110, and 2223 were concerned.²¹ Atty. Cabarroguis, on the other hand, argued that Atty. Basa's actions merited a disbarment and not just a suspension.²²

On June 17, 2017, the IBP-BOG issued Resolution No. XXII-2017-1238²³ granting the Motion for Reconsideration of Atty. Basa, and reversing its earlier decision on the ground that there is no showing that he acted with bad faith in filing the cases against Atty. Cabarroguis.

In the Extended Resolution²⁴ dated June 18, 2018 penned by Deputy Director Franklin B. Calpito for the Board, the IBP-BOG found that although several cases against Atty. Cabarroguis were dismissed, some were subsequently found to be substantiated. For instance, in CBD-ADM Case Nos. 07-2110 and 08-2223, Atty. Cabarroguis was meted with a penalty of one-year suspension in each case for violating Canon 10, Rule 10.01 of the

²⁰ Id. at 1331.

²¹ Id. at 1346-1370.

²² *Rollo*, Vol. III, pp. 1597-1611.

²³ Id. at 1775.

²⁴ Id. at 1867-1875.



CPR. In CBD-ADM Case No. 6629, Atty. Cabarroguis was also admonished.

The IBP-BOG held further that there is no standard definition of bad faith and its presence cannot be automatically inferred from the sheer number of cases filed by Atty. Basa against Atty. Cabarroguis. The Board noted that in falsification cases, one act of falsification is tantamount to one cause of action and as such, Atty. Basa can have as many causes of action as he may have against Atty. Cabarroguis.

The IBP-BOG likewise pointed out that there were only six cases which Atty. Basa filed in his name against Atty. Cabarroguis. In all the other cases he filed as counsel, it cannot be immediately inferred that Atty. Basa instigated the parties in filing them.

Atty. Cabarroguis thereafter filed the instant petition for review before the Court where he maintained that Atty. Basa's act of filing and/or instigating the filing of multiple cases against him clearly constitutes bad faith.

The Issue Before the Court

The sole issue here is whether the IBP correctly dismissed the complaint against Atty. Basa.

Ruling of the Court

The Court reverses the findings of the IBP-BOG in Resolution No. XXII-2017-1238 and reinstates the previous Resolution No. XXI-2014-484 dated August 10, 2014. The Court finds that Atty. Basa violated the Lawyer's Oath, Canon 1, Rule 1.03,²⁵ Canon 8, Rule 8.01,²⁶ Canon 12, Rules 12.02 and 12.04,²⁷ and Canon 19, Rule 19.01²⁸ of the CPR when he:

²⁵ CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

x x x x

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

²⁶ 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.

²⁷ CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

x x x x

Rule 12.02 - A lawyer shall not file multiple actions arising from the same cause.

x x x x

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

(1) filed baseless criminal suits against Atty. Cabarroguis; (2) poked fun at Atty. Cabarroguis by deliberately misspelling his name in an omnibus motion; and (3) caused delay in the *estafa* case after moving for the inhibition of the presiding judge after eight years in trial. The Court agrees with the original findings of the IBP that Atty. Basa employed harassing tactics against Atty. Cabarroguis after he, on behalf of his client, filed an *estafa* case against Atty. Basa's sister in 2002.

Firstly, the Court does not wholly agree with the more recent findings of the IBP in its Resolution No. XXII-2017-1238 that Atty. Basa did not act with malice or bad faith in filing all of the 17 complaints against Atty. Cabarroguis. True, the administrative cases were proved to be substantiated as Atty. Cabarroguis was eventually disciplined in all three. Also, the eight counts for falsification and perjury initiated by Atty. Basa's clients, the Molabolas, were later filed in court. However, there are criminal complaints relative to, or were offshoots of, the *estafa* case filed against Erlinda which were dismissed for lack of merit, and which the Court believes were frivolous and had no other apparent purpose to serve but to vex Atty. Cabarroguis.

In **I.S. No. 03-E-3753** filed by Atty. Basa against Atty. Cabarroguis for falsification under Article 172, paragraph 1 or 2 of the Revised Penal Code (RPC), the cause of action was founded on the complaint-affidavit executed by Godofredo through his attorney-in-fact, Atty. Cabarroguis, in the *estafa* case filed against Erlinda. Atty. Cabarroguis allegedly averred facts therein not of his own personal knowledge and had subscribed and sworn to the truthfulness of these allegations before an authorized officer. I.S. No. 03-E-3753 was dismissed because the prosecutor held that one of the elements of the crime, which is "that the offender knew that a document was falsified by another person" was not present. The prosecutor went on to say that there can be no false narration of facts when the allegations averred in the subject complaint-affidavit was attested to as being hearsay, *i.e.* there was an admission that the facts narrated are not within the personal knowledge of Atty. Cabarroguis. At the most, complainant can only argue that said allegations cannot be used as evidence for being hearsay.²⁹

The dismissal of I.S. No. 03-E-3753 prompted Atty. Cabarroguis to file a complaint for malicious prosecution with damages against Atty. Basa. In his complaint-affidavit, Atty. Cabarroguis stated that he enjoys the honor and distinction of being President Emeritus of the Davao Jaycees, Inc. (JCI). This allegation, in turn, impelled Atty. Basa to file another complaint for

²⁸ CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

Rule 19.01 - A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

²⁹ *Rollo*, Vol. I, p. 77.

falsification which was docketed as **I.S. No. 08-E-4146**. In his complaint, Atty. Basa alleged that JCI certified that it has not, at any time, bestowed the title or position of President Emeritus to any of its members. I.S. No. 08-E-4146 was, however, dismissed on the ground of the existence of a prejudicial question in view of the pendency of the civil case for malicious prosecution with damages.³⁰ The essence of the resolution for dismissal was that the question as to whether the claim of Atty. Cabarroguis is true can best be threshed out in the very civil case for malicious prosecution and damages. The resolution of the issue would henceforth determine whether a criminal case for falsification could indeed proceed.

The frivolity in filing I.S. No. 03-E-3753 and I.S. No. 08-E-4146 is readily apparent. Representation by the principal of an attorney-in-fact is sanctioned by law. This representation to act on behalf of the principal includes the filing of complaints. Thus, there is nothing irregular for an agent duly armed with a special power of attorney to aver facts in an affidavit-complaint and to subscribe and swear to the truthfulness of the same before an authorized officer on behalf of a principal.

Insofar as I.S. No. 08-E-4146 was concerned, the dismissal of the complaint was likewise called for. In the first place, the alleged falsity does not involve a fact that is material or relevant to the crime of malicious prosecution, which only has as its elements the presence of malice and absence of probable cause. More significantly, in the crime of falsification of making an untruthful statement in a narration of facts, one of the elements is that there is a legal obligation to disclose the truth of the facts narrated by the respondent. Legal obligation means that there is a law requiring the disclosure of the truth of the facts narrated.³¹ While arguably, Atty. Cabarroguis was morally obliged not to falsely claim that he was accorded the status of a President Emeritus by the JCI, there is, nevertheless, no law which requires him to disclose the truth of the matter.

Moreover, Atty. Basa initiated four more criminal complaints against Atty. Cabarroguis for the same cause of action, in violation of Canon 12, Rule 12.02, and Canon 19, Rule 19.01 of the CPR, to wit:

Canon 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

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Rule 12.02 - A lawyer shall not file multiple actions arising from the same cause.

³⁰ Id. at 88-89.

³¹ *Galeos v. People*, 657 Phil. 500, 524 (2011).



Canon 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

Rule 19.01 - A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

The four criminal complaints were all in relation to the same affidavit-complaint Atty. Cabarroguis filed as the attorney-in-fact of Godofredo in the *estafa* case against Erlinda. In **I.S. No. 2006-D-2748** for falsification, Atty. Basa accused Atty. Cabarroguis of making a false allegation in paragraph 1 of said affidavit-complaint when he said that Godofredo inherited his parents' part in the parcel of land covered by Transfer Certificate of Title No. T-14402, when in truth, Godofredo did not. The prosecutor dismissed I.S. No. 2006-D-2748 on the grounds that there can be no perjury because the allegation of inheritance in the subject complaint-affidavit was not material to the charge of *estafa*, and that the element of willful and deliberate assertion of a falsehood was not sufficiently established. The prosecutor noted that Atty. Cabarroguis only acted as an attorney-in-fact when he signed the subject complaint-affidavit and, hence, prepared and signed the same in accordance with the facts narrated to him by Godofredo.³²

In another complaint docketed as **I.S. No. 2006-E-3378**, Atty. Basa charged Atty. Cabarroguis and Godofredo with falsification of public document under Article 172(1) of the RPC. The complaint shared the same cause of action with I.S. No. 2006-D-2748, in that Atty. Cabarroguis purportedly made a false allegation by stating in the same affidavit-complaint in the *estafa* case against Erlinda that Godofredo acquired the subject property by succession or inheritance, when in truth, he purchased it from his parents. I.S. No. 2006-E-3378 was likewise dismissed for lack of probable cause on the same grounds that I.S. No. 2006-D-2748 was dismissed.

Two years after, the same cause of action in I.S. No. 2006-D-2748 and I.S. No. 2006-E-3378 was again alleged in two more complaints for falsification under Article 172 of the RPC, that is, the allegation in the affidavit-complaint of Godofredo against Erlinda in the *estafa* case that he and his brother inherited the subject property from their parents was false. The truth, rather, according to Erlinda, was that Godofredo and his brother purchased the subject property from their parents. This time, the complaints, which were docketed as **I.S. No. 2008-G-5045** and **I.S. No. 2008-G-5045-A**, were filed by Erlinda against Atty. Cabarroguis and Atty. Dante C. Sandiego. There was also the additional allegation that Godofredo, although

³² *Rollo*, Vol. I, p. 79.

an American citizen, made it appear in his affidavit-complaint that he was qualified to acquire and own the subject land because he and his brother inherited it from their parents. I.S. No. 2008-G-5045 and I.S. No. 2008-G-5045-A were also dismissed for lack of probable cause because the alleged false statement of fact was, on the contrary, a mere conclusion of law and that Godofredo was a former Filipino citizen who later acquired an American citizenship and was not, therefore, absolutely disqualified from acquiring lands in the Philippines.

The foregoing shows how Atty. Basa recklessly applied the same cause of action in four different complaints that were all dismissed for lack of probable cause. He cannot validly argue that it was not he who initiated I.S. No. 2008-G-5045 and I.S. No. 2008-G-5045-A but his client, Erlinda. He cannot deny the fact that these complaints were filed two years after similar complaints, which he personally filed himself, were already dismissed for lack of probable cause. It is inexcusable for Atty. Basa to not be aware of his duty under his Lawyer's Oath not to "wittingly or willingly promote or sue any groundless, false or unlawful suit, nor give aid nor consent to the same." This duty has also been expressly provided for in Rule 1.03, Canon 1 of the CPR, to wit:

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

Hence, inasmuch as lawyers must guard themselves against their own impulses of initiating unfounded suits,³³ they are equally bound to advise a client, ordinarily a layman on the intricacies and vagaries of the law, on the merit or lack of merit of his or her case. If the lawyer finds that his or her client's cause is defenseless, then it is his or her bounden duty to advise the latter to acquiesce and submit, rather than traverse the incontrovertible.³⁴ Lawyers must resist the whims and caprices of their clients and to temper their propensities to litigate.³⁵

Atty. Basa, by all means, is given the liberty to defend his client's cause with utmost zeal. This obligation, however, is not without reasonable limitations. The filing of frivolous suits against his opposing counsel manifests, at the very least, his gross indiscretion as a colleague in the legal profession and his malicious desire to vex Atty. Cabarroguis. Atty. Basa's act ultimately exhibits his intent to paralyze Atty. Cabarroguis from exerting his utmost effort in protecting his client's interest.³⁶ Verily, the rendition of improper service by lawyers which does not meet the strictest principles of moral law invites stern and just condemnation from the Court because by

³³ See *Judge Madrid v. Atty. Dealca*, 742 Phil. 514, 525 (2014).

³⁴ *Spouses Aguilar v. Manila Banking Corp.*, 533 Phil. 645, 669 (2006).

³⁵ See *Judge Madrid v. Atty. Dealca*, supra.

³⁶ See *Alpajora v. Calayan*, A.C. No. 8208, January 10, 2018, 850 SCRA 99, 114.



doing so, they fail to advance the honor of their profession and the best interests of their clients.³⁷

In the same vein, the Court cannot turn a blind eye to the crafty way with which Atty. Basa disrespected Atty. Cabarroguis *via* an Omnibus Motion³⁸ dated June 22, 2007. In this omnibus motion filed by Atty. Basa on behalf of his clients, the Molabolas, in a special proceeding case where Atty. Cabarroguis was the petitioner, Atty. Basa misspelled the first name of Atty. Cabarroguis, Honesto, as “HONESTo.” The Court notes that this was not the first time that Atty. Basa misspelled the first name of Atty. Cabarroguis. In a previous demand letter³⁹ dated May 31, 2007 drafted by Atty. Basa and addressed to Atty. Cabarroguis, the latter’s name had also been misspelled as “Honest.” While the mistake in the demand letter may be dismissed as unintentional, the Court cannot arrive at the same conclusion with regard to the omnibus motion. By spelling the first six letters of Atty. Cabarroguis’s first name in capital letters and leaving the last letter in lowercase, the impression given to the reader is that the author is attempting to illustrate an irony at the expense of Atty. Cabarroguis. The misspelling was far from being a mere inadvertence as it had consistently appeared in all 14 pages of the omnibus motion. Atty. Basa, as a lawyer, ought to know that his action becomes all the more malicious given that the omnibus motion was not a mere private communication but formed part of public record when he filed it in court.⁴⁰

In a long line of cases, the Court has disciplined lawyers who resorted to clearly derogatory, offensive, and virulent language against their opposing counsels, in violation of Canon 8, Rule 8.01 of the CPR, *viz.*:

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.

While it may be argued that the omnibus motion did not use language that can easily be characterized as such, the Court finds Atty. Basa’s method underhanded, a subtle way of name-calling, and was improperly offensive to Atty. Cabarroguis just the same.

³⁷ See *Atty. Reyes v. Atty. Chiong, Jr.*, 453 Phil. 99, 107 (2003).

³⁸ *Rollo*, Vol. I, pp. 46-61.

³⁹ *Id.* at 45.

⁴⁰ See *Belen v. People*, 805 Phil. 628, 645 (2017).



Inasmuch as the Court has exhorted lawyers not to be too onion-skinned and should be tolerant of criticisms (especially those which are fair or mild) against them as litigation is inherently a hostile endeavor between adverse or contending parties,⁴¹ this has been weighed against an oft-repeated similar exhortation of the Court to treat their opposing counsels with courtesy, dignity and civility.⁴² To the mind of the Court, the act of Atty. Basa in poking fun at the name of Atty. Cabarroguis has traversed these bounds and exhibited a conduct unbecoming of an officer of the court.

Finally, the Court also finds merit in the claim of Atty. Cabarroguis that Atty. Basa has failed to measure up to Canon 12, Rule 12.04 of the CPR when, apart from the baseless criminal complaints mentioned earlier, Atty. Basa also caused the filing of a motion for inhibition against the presiding judge in the *estafa* case against Erlinda. While the Court will not presume to evaluate the soundness of Judge Fuentes' discretion to inhibit from the case, the Court finds it imperative to consider the unfortunate timing of the filing of the motion, which was after the trial of the case had taken eight years to conclude, as well as its bearing in light of the totality of the other infractions of Atty. Basa which meant to vex and harass Atty. Cabarroguis. The Court cannot likewise fail to observe how the inhibition of Judge Fuentes led to five more inhibitions of the other judges to whom the case was re-raffled, which thus ultimately presented the problem of unavailability of a judge who would try and hear the case. Needless to say, this turn of events caused untold delay in the resolution of the case to the prejudice of Atty. Cabarroguis' client.

In sum, the Court agrees with the previous Resolution No. XXI-2014-484⁴³ of the IBP finding Atty. Basa guilty of violating his Lawyer's Oath and multiple Canons of the CPR. In previous cases, the penalties handed down by the Court against lawyers who violated Canon 8 of the CPR ranged from admonition to suspension for periods ranging from one (1) month to three (3) months.⁴⁴ In *Atty. Herminio Harry L. Roque, Jr. v. Atty. Rizal P. Balbin*,⁴⁵ following precedents,⁴⁶ the Court suspended respondent therein from the practice of law for a period of two (2) years for violating various Canons of the CPR, including Canon 8, Canon 12, Rule 12.03, Rule 12.04, Canon 19, and Rule 19.01 of the CPR. Similarly in *In Re: G.R. No. 157659 "Eligio P. Mallari v. Government Service Insurance System and the Provincial Sheriff of Pampanga,"*⁴⁷ the Court suspended respondent therein from the practice of law for two (2) years for violating the Lawyer's Oath and Canons 10 and 12, Rules 10.03, 12.02, and 12.04 of

⁴¹ *Tabuzo v. Atty. Gomos*, A.C. No. 12005, July 23, 2018. (Unsigned Resolution)

⁴² *Atty. Reyes v. Atty. Chiong, Jr.*, supra note 37, at 106.

⁴³ *Rollo*, Vol. II, p. 1331.

⁴⁴ *Arlene O. Bautista v. Atty. Zenaida M. Ferrer*, A.C. No. 9057 (Formerly CBD Case No. 12-3413), July 3, 2019; *Washington v. Dicen*, A.C. No. 12137, July 9, 2018, 871 SCRA 140.

⁴⁵ A.C. No. 7088, December 4, 2018.

⁴⁶ *Vaflor-Fabroa v. Paguinto*, 629 Phil. 230 (2010); *Atty. Reyes v. Atty. Chiong, Jr.*, supra note 37, at 104.

⁴⁷ A.C. No. 11111, January 10, 2018, 850 SCRA 175.

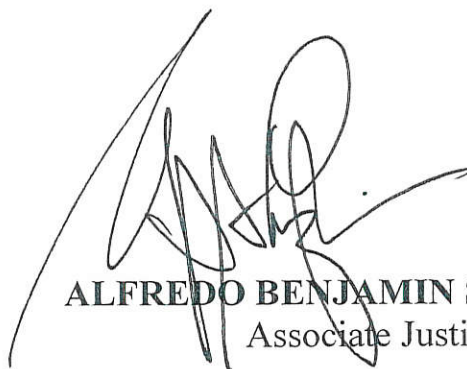


the CPR. As applied to the facts of this case, the Court deems it best to modify and temper the recommended penalty of suspension from the practice of law from one (1) year to six (6) months. The Court also takes into consideration that this is the first administrative case against Atty. Basa in his more than three decades in the legal profession.⁴⁸

WHEREFORE, respondent Atty. Danilo A. Basa is hereby found **GUILTY** of violating the Lawyer's Oath, Canon 1, Rule 1.03, Canon 8, Rule 8.01, Canon 12, Rule 12.02 and Rule 12.04, and Canon 19, Rule 19.01 of the Code of Professional Responsibility. He is hereby **SUSPENDED** from the practice of law for a period of six (6) months effective upon receipt of a copy of this Decision. He is warned that a repetition of the same or a similar act will be dealt with more severely.

Let a copy of this Decision be furnished to the Office of the Bar Confidant, to be appended to the personal record of Atty. Danilo A. Basa as a member of the Bar; the Integrated Bar of the Philippines; and the Office of the Court Administrator, for circulation to all courts in the country for their information and guidance.

SO ORDERED.



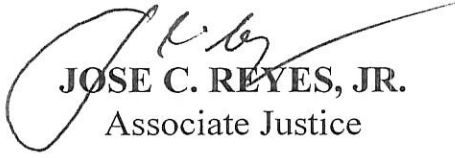
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:



DIOSDADO M. PERALTA
Chief Justice
Chairperson

⁴⁸ See *Carmelita Canete v. Atty. Artemio Puti*, A.C. No. 10949 (Formerly CBD Case No. 13-3915), August 14, 2019.



JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice



