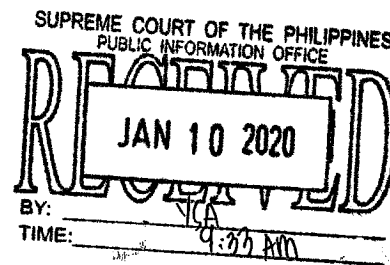




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **04 December 2019** which reads as follows:

***A.C. No. 12358 [formerly CBD Case No. 15-5168] (DIOKNO M. DIMACULANGAN v. ATTY. CYRUS D. JURADO AND ATTY. TEODORO STA. ANA)**

X-----X

Before the Court are Complaints¹ filed by Diokno M. Dimaculangan (Diokno) and Atty. Girlie Dimaculangan (Atty. Girlie) (complainants) against Atty. Cyrus D. Jurado (Atty. Jurado) and Atty. Teodoro Sta. Ana (Atty. Sta. Ana), (respondents) for conduct highly unbecoming a member of the Bar.

The antecedent facts are as follows:

Complainant Diokno, in CBD Case No. 15-5168,² and his spouse, complainant Atty. Girlie in CBD Case No. 16-5178³ substantially aver the same facts and arguments. In general, they assert that respondents, Atty. Jurado and Atty. Sta. Ana, subjected Atty. Girlie to harassment, humiliation, and intimidation, and accused her of asking a resetting of a case in bad faith, among others.

Diokno and Atty. Girlie claim that on November 14, 2016, at around 1:30 in the afternoon, Atty. Girlie arrived early in the courtroom of the Metropolitan Trial Court (MeTC), Branch 19, Manila, and stayed in front, while Diokno stayed at the back.

After sometime, Atty. Jurado arrived, whereupon Atty. Girlie informed him that there will be a resetting because according to the court's staff, the Presiding Judge was attending a seminar. They then talked about other cases of their clients. Atty. Girlie asked Atty. Jurado of any possibility for their clients to settle, to which the latter answered, "*how could our clients settle when no one wants to give in,*" and used the term "*nagpapataasan ng ihi.*"⁴ He then said that he is asking for a "downpayment" of the lawyers' fees amounting to ₱1.5M each, to which Atty. Girlie replied that she would inform her client.

¹ *Rollo*, pp. 2-6 and 8-13.

² *Id.* at 38-40.

³ *Id.* at 41.

⁴ *Id.* at 8.

A/E

Complainants further aver that when Atty. Sta. Ana eventually arrived in the courtroom, he suddenly shouted to Atty. Girlie, "*I don't like what you did, Girlie!*"⁵ He was walking while talking, as if giving Atty. Girlie a lecture. According to the latter, Atty. Sta. Ana deemed it improper that on two occasions, in two separate cases pending in different courts, Atty. Girlie requested for a postponement but eventually withdrew her motion and appeared during the scheduled hearing of said case. However, the withdrawal of her motions for postponement did not allow enough time for Atty. Sta. Ana and Atty. Jurado to be informed of the same, thus they failed to attend the scheduled hearing.

According to Atty. Girlie, she recalled having engaged in the following conversation with Atty. Jurado and Atty. Sta. Ana in the courtroom:

Atty. Sta. Ana: *Nakakadalawa ka na...imagine you will ask for a resetting tapos dadating kayo. Papaano kung hindi kami dumating, then your camp will move that the cross-examination be deemed waived?*

Atty. Girlie: *Hindi ganon yon Sir... that is speculative.*

Atty. Jurado: Oh [come on], Girlie!

Atty. Sta Ana: Any lawyer would do that. *O, ikaw panyero [talking to another lawyer], pag sa iyo nangyari yon, ano gagawin mo? O di siya makasagot, ibig sabihin totoo. You should have apologized to the client.*

Atty. Girlie [to Ms. Chua, client of Atty. Jurado and Atty. Sta. Ana]: *Pasensya na po, Ma'am.*

Atty. Sta. Ana: *O si Atty. Mesoga, did you know what happened to him? Pinabayaan niyo siya, kawawa naman. Don't tell me you did not know [about the case of People v. Lontoc], you even entered your appearance as collaborating counsel.*

Atty. Girlie: No Sir, *ito*, I entered my appearance as private prosecutor. Have I known that Atty. Rojo entered his appearance, I could have entered as a collaborating private prosecutor. *(She then showed him [her] entry of appearance from her records to prove that she is innocent of all his accusations)*

Atty. Sta Ana: Anyway, I will oppose your motion. Tell your client to drop this case and we will drop the case against Atty. Girlie: I will tell my client.

Atty. Sta. Ana: You filed a motion at Imus *tapos meron ka sa CA, ano yon?*

Atty. Girlie: Yes Sir, that is a different issue.

⁵ Id. at 9.

Atty. Sta Ana: *talaga ha* (along with a head gesture)⁶

The foregoing incident transpired in the presence of other lawyers and litigants in the said court. Atty. Girlie felt harassed, humiliated and intimidated. Complainants further allege that a similar episode occurred on November 21, 2016 at the MeTC, Branch 19, Manila, during the hearing for the case of *People v. Lontoc*, wherein respondents presented objections and intimated that Atty. Girlie committed procedural lapses, among others.⁷

Atty. Girlie asserts that the behavior of the respondents violated the following provisions on the Code of Professional Responsibility:

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.

Atty. Girlie also points out that due to the foregoing incidents, she suffered sleepless nights and had to voluntarily submit herself to a psychological evaluation because of feelings of “anhedonia and depressed mood.”⁸

Registered Psychologist Danilo M. Capili (Dr. Capili) examined Atty. Girlie on January 13, 2017 and diagnosed her to have *Chronic Posttraumatic Stress Disorder with Major Depressive Episode*.⁹ Based on Behavioral Observations, Dr. Capili found that Atty. Girlie “appeared to be very distraught and on the verge of crying upon arrival for examination. x x x. During the interview, she was very emotional and showed signs of extreme sadness.”¹⁰ Dr. Capili further stated in his assessment of Atty. Girlie:

Upon closer inspection of the subject’s case, it has been found out that the major stressor that led to the emergence of the disorder is the public humiliation she experienced under the hands of other lawyers.

x x x x

She felt harassed by the insults and accusations hurled against her. As a matter of respect, decency and decorum, any person should not be subjected to this kind of public humiliation. Such an experience could lead to a host of psychological problems, hence the diagnosis of *Chronic Posttraumatic Stress Disorder with Major Depressive Episode*.

x x x x

⁶ Id. at 9-10.

⁷ Id. at 11-12.

⁸ Id. at 27.

⁹ Id.

¹⁰ Id. at 25.

In effect, the client felt violated and a host of emotional and behavioral disturbances such as disturbed eating and sleeping patterns, anhedonia, depressed mood, intrusive recollection of the negative event, emotional numbness and avoidance of people, difficulty in concentrating at work, and feelings of irritability and anger surfaced.¹¹

Report and Recommendation of the Investigating Commissioner

Commissioner Narciso A. Tadeo of the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) recommended the dismissal of the complaints for the following reasons:

- a.) The Complaints lack factual and legal basis for sanctions against respondents.
- b.) Complainant Atty. Girlie Dimaculangan has admitted her mistakes/errors (questionable motions for postponements, appearances, among other things). And these facts and circumstances caused the adverse reactions and emotional attitude of respondent lawyers.
- c.) There was silence and inaction of her spouse, Complainant Diokno Dimaculangan, who was present during the alleged verbal abuse or emotional outbursts of respondent lawyers. His wife (Complainant Girlie) prevented him from interfering or coming to her defense. This situation simply confirms the mistakes or errors of Atty. Girlie.
- d.) The allegations of complainants are self-serving. They even averred actuations of respondents on other matters or incidents which are irrelevant or misplaced.
- e.) Arguments (sometimes heated) between opposing lawyers, especially in the presence of the clients, are ordinary occurrences in the litigation process. Atty. Girlie Dimaculangan even quoted the statement of respondent Atty. Sta. Ana – “you should have apologized to the client.” x x x
- f.) From the foregoing facts, the legal principle of *Pari Delicto* justifies the dismissal of the Complaints.¹²

Report and Recommendation of the IBP Board of Governors

In its Resolution No. XXII-2017-758¹³ dated January 26, 2017, the IBP Board of Governors resolved to *adopt* the findings of fact and recommendation of the Investigating Commissioner dismissing the complaint.¹⁴

¹¹ Id. at 26-27.

¹² Id. at 41.

¹³ Id. at 39.

¹⁴ Id.

The Court's Ruling

This Court **ADOPTS** and **ACCEPTS** the IBP's findings and recommendation to dismiss the complaints against Atty. Jurado and Atty. Sta. Ana.

Settled is the rule that in administrative cases, substantial evidence is the required quantum of evidence to support a claim. Thus, in *Office of the Ombudsman v. Dechavez*,¹⁵ the Supreme Court pronounced:

In administrative cases, substantial evidence is required to support any findings. Substantial evidence is such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. The requirement is satisfied where there is reasonable ground to believe that the petitioner is guilty of the act or omission complained of, even if the evidence might not be overwhelming.

In the instant case, We find that complainants' allegations against respondents did not meet the mandated quantum of evidence.

Indeed, Section 5 of Rule 139-B of the Rules of Court provides that –

[I]f the complaint does not merit action, or if the answer shows to the satisfaction of the Investigator that the complaint is not meritorious, the same may be dismissed by the Board of Governors upon his recommendation. A copy of the resolution of dismissal shall be furnished the complainant and the Supreme Court which may review the case *motu proprio* or upon timely appeal of the complainant filed within 15 days from notice of the dismissal of the complaint.

In the case at bar, We find that the Investigating Commissioner properly exercised his prerogative in investigating and dismissing the case. Significantly, it must be stressed that complainants did not file any motion for reconsideration or petition before this Court upon receipt of the notice of dismissal of the complaints. This only shows that they acquiesced to the findings of the IBP and were no longer interested in further pursuing the case. Moreover, we note that aside from their own affidavits, complainants did not even attempt to submit statements from the personalities who were likewise present during the alleged incident. As it is, complainants' statements were uncorroborated and self-serving.

Finally, it cannot be denied that there was indeed an exchange of words between Atty. Girlie and the respondents. However, for lack of any corroborative evidence, we cannot speculate as to how they were actually delivered, that is, whether with malice or intent to harm. At this juncture, We find it best to remind everyone involved of Rule 8.01, Canon 8 of the Code of Professional Responsibility which requires lawyers to:

¹⁵ 721 Phil. 124, 130 (2013); See also *Astorga & Repol Law Offices v. Villanueva*, 754 Phil. 534, 551 (2015).

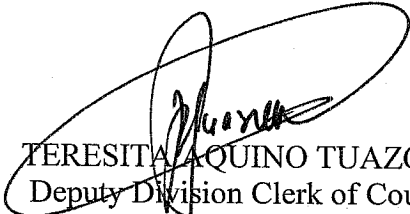
[E]mploy respectful and restrained language in keeping with the dignity of the legal profession. x x x. Ill feelings between litigants may exist, but they should not be allowed to influence counsels in their conduct and demeanor towards each other or towards suitors in the case. As officers of the court and members of the bar, lawyers are expected to be always above reproach. They cannot indulge in offensive personalities. They should always be temperate, patient, and courteous both in speech and conduct, not only towards the court but also towards adverse parties and witnesses¹⁶

as well as opposing counsels.

WHEREFORE, the Court **DISMISSES** the complaints against Atty. Cyrus D. Jurado and Atty. Teodoro Sta. Ana for insufficiency of evidence.

SO ORDERED. (Perlas-Bernabe, *J.*, on official business; Zalameda, *J.*, on official leave.)¹¹

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
08 JAN 2020 p 118

MR. DIOKNO M. DIMACULANGAN (reg)

Complainant

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ATTY. TEODORO S. STA. ANA (reg)

Respondents

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AC12358. 12/04/19A(117)URES

¹⁶ *Canlapan v. Balayo*, 781 Phil. 63, 72-73 (2016).