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

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 17, 2020 which reads as follows:

“A.C. No. 8538 (Formerly CBD Case No. 15-4546) – (MARY JESSYCA SIA SU,¹ complainant, versus ATTY. EDITHA P. TALABOC, respondent.)

Mary Jessyca Sia Su (Sia Su) filed before the Court a verified Petition² dated December 21, 2009, praying for the disbarment of respondent Atty. Editha P. Talaboc (Atty. Talaboc) for alleged violations of Canons 1,³ 8,⁴ Rule 10.03⁵ of Canon 10,⁶ and Rule 12.04⁷ of Canon 12⁸ of the Code of Professional Responsibility (CPR) and for conduct unbecoming of a lawyer when she allegedly refused to receive pleadings through personal service.

Sia Su alleged that she is one of the defendants in Civil Case No. C-22211 before the Regional Trial Court (RTC) of Caloocan City, Branch 125, where the plaintiff filed a Motion to Declare Defendants

¹ Correct name of complainant as written in the Petition dated December 21, 2009. *Rollo*, pp. 1-7. The case title should be corrected since several Court Resolutions misspelled the complainant’s name.

² *Rollo*, pp. 1-7.

³ CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

⁴ CANON 8 — A lawyer shall conduct himself with courtesy, fairness and candor toward his professional colleagues, and shall avoid harassing tactics against opposing counsel.

⁵ RULE 10.03 A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

⁶ CANON 10 — A lawyer owes candor, fairness and good faith to the court.

⁷ RULE 12.04 A lawyer shall not unduly delay a case, impede the execution of a Judgment or misuse Court processes.

⁸ CANON 12 — A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

in Default.⁹ The counsel for the defendants filed separate oppositions to plaintiff's motion, and sent copies to Atty. Talaboc, the plaintiff's lawyer, through a messenger.¹⁰ However, Atty. Talaboc's staff refused to receive copies of the said oppositions allegedly upon her instruction.¹¹ Thus, the messenger was left with no option but to serve copies by registered mail.¹² Sometime thereafter, when the same messenger served defendants' Motion to Inhibit, Atty. Talaboc's staff again refused to receive the same upon her instructions.¹³ Sia Su's counsel sent a letter to Atty. Talaboc, calling her attention regarding her "unethical practice" but she also refused to receive the same and she advised the messenger that she would not accept any paper from Sia Su's counsel via personal service.¹⁴ Thus, Sia Su alleged that Atty. Talaboc's acts contravene the above provisions of the CPR.¹⁵

In a Resolution¹⁶ dated February 24, 2010, the Court required Atty. Talaboc to comment on the said petition within 10 days from notice. In a Resolution¹⁷ dated July 11, 2011, the Court required Atty. Talaboc to show cause why she should not be administratively dealt with or held in contempt of court for failure to file her comment despite receipt on April 7, 2010 of the Resolution dated February 24, 2010, as shown by the registry return card. The Court also reiterated that she should file her comment.¹⁸ In a Resolution¹⁹ dated December 10, 2014, the Court noted that Atty. Talaboc did not comply with the said show cause directive and then referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation or resolution (IRR) within 90 days from notice.

In a Notice of Mandatory Conference/Hearing²⁰ dated April 21, 2015, the IBP-Commission on Bar Discipline (CBD) Investigating Commissioner directed the parties to appear before it on June 19, 2015. The parties were also directed to file their respective briefs at least 10 days before the said date.²¹ In an Order²² dated October 14,

⁹ *Rollo*, pp. 27-29.

¹⁰ *Id.* at 2.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 3.

¹⁴ *Id.*

¹⁵ *Id.* at 4-5.

¹⁶ *Id.* at 47.

¹⁷ *Id.* at 48.

¹⁸ *Id.*

¹⁹ *Id.* at 49.

²⁰ *Id.* at 51.

²¹ *Id.*

²² *Id.* at 54.

2015, the said hearing was reset to November 13, 2015. In an Order²³ dated November 13, 2015, the Investigating Commissioner noted that both parties failed to appear on the said date and thus the mandatory conference was deemed terminated. The Investigating Commissioner also directed the parties to submit their respective verified position papers, together with documentary exhibits and/or judicial affidavits of their witness/es, if any, within 10 days.²⁴

In a Report and Recommendation²⁵ dated June 30, 2017, the Investigating Commissioner recommended the dismissal of the complaint against Atty. Talaboc, ratiocinating as follows:

Rule 13 of the Rules of Court provides the manner by which pleadings and other documents must be filed in court and served to a party's counsel. Under the rules, service of pleadings[,] motions, notices, and other papers shall be made either personally or by mail; and that whenever practicable, personal service is preferred.

x x x x

Based on the facts of this case, the respondent cannot be considered as misusing the rules of procedure that defeats the speedy and efficient administration of justice or not observing the rules of procedure. Service by registered mail is in accordance with or an option given under the rules. Granting that the respondent refused to receive the pleadings to be filed in court by the complainant, she is not left without any remedy. As in fact, she admitted having complied with the requirement to serve copies of the oppositions to the respondent's motions via registered mail. While the acts of the respondent may have irritated or inconvenienced the messenger, the same is definitely not a ground for disbarment, especially since the documents were served through mail and complainant was still afforded the opportunity to be informed of the motions and pleadings filed in court as a requirement of due process.²⁶ (footnotes omitted, notations ours)

However, in a Resolution²⁷ dated June 29, 2018, the IBP Board of Governors (Board) recommended the imposition of the following penalties upon Atty. Talaboc: (a) suspension from the practice of law for three (3) months for disregarding the Court's Show Cause Order and for ignoring the CBD processes; and (b) fine of ₱5,000.00 for

²³ Id. at 56.

²⁴ Id.

²⁵ Id. at 74-77.

²⁶ Id. at 76.

²⁷ Id. at 78.

failure to appear and participate in the proceedings and to file her Answer. In an Extended Resolution²⁸ dated October 18, 2018, the Board ratiocinated that:

The evidence presented shows that respondent failed to comply with lawful orders in three (3) instances:

1. In the February 24, 2010 Resolution of the First Division of the Supreme Court, respondent was required to file her Comment within ten (10) days from notice. Despite receipt of a copy of the Resolution, respondent never filed her Comment.

2. In the July 11, 2011 Resolution of the First Division of the Supreme Court, respondent was required to show cause why she should not be administratively dealt with or held in contempt for failure to comply with the February 24, 2010 Resolution. Again, respondent failed to submit one.

3. In the November 13, 2015 Order of this Commission, after the mandatory conference was terminated, the parties were required to submit their verified position papers. Again, respondent failed to submit her position paper.

These acts constitute willful disobedience of the lawful orders of the Supreme Court and of this Commission, which under Section 27, Rule 138 of the Rules of Court is in itself a sufficient cause for suspension or disbarment. Respondent's cavalier attitude in repeatedly ignoring the orders of this Commission and of the Supreme Court constitutes utter disrespect to the judicial institution. Respondent's conduct indicates a high degree of irresponsibility. A Court's resolution is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively. Respondent's obstinate refusal to comply with the Order not only betray a recalcitrant flaw in her character, it also underscores her disrespect of the Court's lawful orders which is only too deserving of respect.²⁹ (footnotes omitted, notations ours)

Upon review of the case records, the Court found a letter³⁰ dated April 24, 2019 sent by Atty. Talaboc to the IBP, requesting for a copy of the present complaint and of the IBP Orders. She stated therein that letters from the IBP and the Court were not handed to her due to her "on and off" illness and a misunderstanding with the guards

²⁸ Id. at 78-80.

²⁹ Id. at 79-80.

³⁰ Id. at 57.

in the building where she was holding office in view of the death threats she had received during the previous years.³¹

Moreover, the Court notes that Atty. Talaboc was previously suspended from the practice of law for one (1) year for violation of Canons 17³² and 18³³ of the CPR when she repeatedly failed to attend court hearings in her clients' criminal case.³⁴

Premises considered, the Court adopts with modification the findings of fact and conclusion of law of the IBP.

The Court agrees that the complaint should be dismissed, but Atty. Talaboc should be held liable for violating Canon 11³⁵ and should be suspended for three (3) months from the practice of law for failure to comply with the Court's Resolutions and with the directives of the IBP. She did not file her Comment to the complaint pursuant to the Court's Resolution dated February 24, 2010 despite her receipt thereof. She did not heed the Court's Show Cause Resolution dated July 11, 2011. She also did not respond to the IBP's directives and she failed to file pleadings and to participate in the proceedings therein. It was only on April 24, 2019 that she sent a letter to the IBP requesting for a copy of the present complaint and of the IBP Orders. Her unsubstantiated excuse of her "on and off" illness and a misunderstanding with the building guards cannot exculpate her. In *Heenan v. Espejo*,³⁶ the Court ruled that unjustified refusal to obey the orders of the IBP constitutes blatant disrespect, amounting to conduct unbecoming a lawyer.³⁷ Further, the Court in said case, citing *Almendarez, Jr. v. Langit*,³⁸ stressed that a lawyer must maintain respect not only for the courts, but also for judicial officers and other duly constituted authorities, including the IBP.³⁹

WHEREFORE, the Court adopts and approves with modification the Resolution dated June 29, 2018 of the IBP Board of Governors in CBD Case No. 15-4546. Respondent Atty. Editha P.

³¹ Id.

³² CANON 17 — A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

³³ CANON 18 — A lawyer shall serve his client with competence and diligence.

³⁴ *Cabuello v. Talaboc*, A.C. No. 10532, November 7, 2017, 844 SCRA 90.

³⁵ CANON 11 — A lawyer shall observe and maintain the respect due to the Courts and to judicial officers and should insist on similar conduct by others.

³⁶ 722 Phil. 528 (2013).

³⁷ Id. at 535.

³⁸ 528 Phil. 814 (2006)

³⁹ Id. at 821.

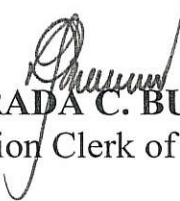
Talaboc is **GUILTY** of violating Canon 11 of the Code of Professional Responsibility, and is hereby **SUSPENDED** from the practice of law for three (3) months, effective upon receipt of this Resolution, with a stern warning that a repetition of the same or similar acts will be dealt with more severely.

Upon receipt of this Resolution, respondent is **DIRECTED** to immediately file a Manifestation informing this Court that her suspension has started and to furnish a copy of the Manifestation to all courts and quasi-judicial bodies where she has entered her appearance as counsel.

Let copies of this Resolution be furnished the Office of the Bar Confidant to be appended to respondent's personal record; the IBP; and the Office of the Court Administrator for circulation to all courts of the country for their information and guidance.

SO ORDERED.”

Very truly yours,


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

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