

Administrator (*OCA*) for ignorance of the law and/or issuance of undue order. The administrative complaint against Judge Alpajora was dismissed by the Court in a Resolution,² dated March 2, 2009, on the ground that the matters raised therein were judicial in nature.

In his Comment/Opposition with Counter-Complaint to Discipline Complainant,³ complainant charged respondent with (a) filing a malicious and harassment administrative case, (b) propensity for dishonesty in the allegations in his pleadings, (c) misquoting provisions of law, and (d) misrepresentation of facts. Complainant prayed for respondent's disbarment and cancellation of his license as a lawyer.

The Antecedents

Prior to this case, an intra-corporate case docketed as Civil Case No. 2007-10 and entitled "*Calayan Educational Foundation Inc. (CEFI), Dr. Arminda Calayan, Dr. Bernardita Calayan-Brion and Dr. Manuel Calayan vs. Atty. Ronaldo A.V. Calayan, Susan S. Calayan and Deanna Rachelle S. Calayan,*" was filed before the Regional Trial Court (*RTC*) of Lucena City designated as commercial court and presided by Judge Adolfo Encomienda. Respondent was President and Chairman of the Board of Trustees of CEFI. He signed and filed pleadings as "Special Counsel *pro se*" for himself. Court proceedings ensued despite several inhibitions by judges to whom the case was re-raffled until it was finally re-raffled to complainant. Thereafter, complainant issued an Omnibus Order,⁴ dated July 11, 2008 for the creation of a management committee and the appointment of its members. That Order prompted the filing of the administrative case against the Judge Alpajora.

The administrative case against complainant was dismissed. The Court, however, referred the comment/opposition with counter-complaint filed by complainant in the administrative case against him to the Office of the Bar Confidant (*OBC*) for appropriate action.

The *OBC* deemed it proper to re-docket the counter-complaint as a regular administrative case against respondent. Thus, in a Resolution,⁵ dated June 3, 2009, upon recommendation of the *OBC*, the Court resolved to require respondent to submit his comment on the counter-complaint.

In its Resolution,⁶ dated September 9, 2009, the Court noted respondent's comment and referred the administrative case to the Integrated Bar of the Philippines (*IBP*) for investigation, report and recommendation.

² Id. at pp. 1-2.

³ Id. at 3-15.

⁴ Id. at 203-211.

⁵ Id. at 18-19.

⁶ Id. at 114.

After a mandatory conference before the IBP, both parties were directed to submit their respective verified position papers.

Position of complainant

Complainant alleged that he partially tried and heard Civil Case No. 2007-10, an intra-corporate case filed against respondent, when he later voluntarily inhibited himself from it on account of the latter's filing of the administrative case against him.

The intra-corporate case was previously tried by Presiding Judge Adolfo Encomienda (*Presiding Judge Encomienda*) until he voluntarily inhibited after respondent filed an Urgent Motion to Recuse and a Supplement to Defendant's Urgent Motion to Recuse on the grounds of undue delay in disposing pending incidents, gross ignorance of the law and gross inefficiency.⁷ The motions came after Presiding Judge Encomienda issued an order appointing one Atty. Antonio Acyatan (*Atty. Acyatan*) as receiver, who was directed to immediately take over the subject corporation.

After Presiding Judge Encomienda inhibited himself, the case was raffled to the sala of Executive Judge Norma Chionglo-Sia, who also inhibited herself because she was about to retire. The case was referred to Executive Judge Eloida R. de Leon-Diaz for proper disposition and re-affle.⁸ The case was finally raffled to complainant.⁹

Complainant averred that the administrative case against him by respondent was brought about by his issuance of the omnibus order, dated July 11, 2008, where he ordered the creation of a management committee and appointment of its members. Meanwhile, the RTC resolved that Atty. Acyatan continue to discharge his duties and responsibilities with such powers and authority as the court-appointed receiver. The trial court also authorized the foundation to pay Atty. Acyatan reimbursement expenses and professional charges. Complainant claimed that his order was not acceptable to respondent because he knew the import and effect of the said order – that he, together with his wife and daughter, would lose their positions as Chairman, Treasurer and Secretary, respectively, and as members of the Board of Trustees of the CEFI.¹⁰

Complainant further claimed that before the records of Civil Case 2007-10 was transmitted to his sala and after he had inhibited from said case, respondent filed thirteen (13) civil and special actions before the RTC of

⁷ Id. at 387.

⁸ Id.

⁹ Id. at 388.

¹⁰ Id. at 385-386.



Lucena City.¹¹ Atty. Calayan also filed two (2) related intra-corporate controversy cases – violating the rule on splitting causes of actions – involving the management and operation of the foundation. According to complainant, these showed the propensity and penchant of respondent in filing cases, whether or not they are baseless, frivolous or unfounded, with no other intention but to harass, malign and molest his opposing parties, including the lawyers and the handling judges. Complainant also revealed that respondent filed two (2) other administrative cases against a judge and an assisting judge in the RTC of Lucena City, which were dismissed because the issues raised were judicial in nature.¹²

Complainant also disclosed that before his sala, respondent filed eighteen (18) repetitious and prohibited pleadings.¹³ Respondent continuously filed pleadings after pleadings as if to impress upon the court to finish the main intra-corporate case with such speed. To complainant's mind, the ultimate and ulterior objective of respondent in filing the numerous pleadings, motions, manifestation and explanations was to prevent the takeover of the management of CEFI and to finally dismiss the case at the pre-trial stage.

Complainant further revealed that due to the series of motions for recusation or inhibition of judges, there is no presiding judge in Lucena City available to try and hear the Calayan cases. Moreover, respondent filed nine (9) criminal charges against opposing lawyers and their respective clients before the City Prosecutor of Lucena City. In addition, there were four (4) administrative cases filed against opposing counsels pending before the IBP Commission on Bar Discipline.¹⁴

Based on the foregoing, complainant asserted that respondent committed the following: (1) serious and gross misconduct in his duties as counsel for himself; (2) violated his oath as lawyer for [a] his failure to observe and maintain respect to the courts (Section 20(b), Rule 138, Rules of Court); [b] by his abuse of judicial process thru maintaining actions or proceedings inconsistent with truth and honor and his acts to mislead the judge by false statements (Section 20(d), Rule 138); (3) repeatedly violated the rules of procedures governing intra-corporate cases and maliciously misused the same to defeat the ends of justice; and (4) knowingly violated the rule against the filing of multiple actions arising from the same cause of action.

¹¹ Id. at 388.

¹² Id. at 389.

¹³ Id. at 390-391.

¹⁴ Id. at 396-397.

Position of respondent

In his Position Paper,¹⁵ respondent countered that the subject case is barred by the doctrine of *res judicata*.

According to him, the counter-complaint was integrated with the Comment/Opposition of complainant in the administrative case docketed as A.M. OCA I.P.I. No. 08-2968-RTJ filed by respondent against the latter. He stressed that because no disciplinary measures were levelled on him by the OCA as an outcome of his complaint, charges for malpractice, malice or bad faith were entirely ruled out; moreso, his disbarment was decidedly eliminated.¹⁶ Respondent argued that the doctrine of *res judicata* was embedded in the OCA's finding that his complaint was judicial in nature.¹⁷ He likewise averred that the conversion of the administrative complaint against a judge into a disbarment complaint against him, the complaining witness, was hideously adopted to deflect the charges away from complainant. Respondent insisted that the counter-complaint was not sanctioned by the Rules of Court on disbarment and the Rules of Procedure of the Commission on Bar Discipline.¹⁸

Respondent also claimed that the counter-complaint was unverified and thus, without complainant's own personal knowledge; instead, it is incontrovertible proof of his lack of courtesy and obedience toward proper authorities and fairness to a fellow lawyer.¹⁹

Further, respondent maintained that complainant committed the following: (1) grossly unethical and immoral conduct by his impleading a non-party;²⁰ (2) betrayal of his lawyer's oath and the Code of Professional Responsibility (*CPR*);²¹ (3) malicious and intentional delay in not terminating the pre-trial,²² in violation of the Interim Rules because he ignored the special summary nature of the case;²³ and (4) misquoted provisions of law and misrepresented the facts.²⁴

Lastly, it was respondent's submission that the counter-complaint failed to adduce the requisite quantum of evidence to disbar him, even less, to cite him in contempt of court assuming *ex gratia* the regularity of the referral of the case.²⁵

¹⁵ Id. at 137-163.

¹⁶ Id. at 140.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id. at 148.

²⁰ Id. at 141.

²¹ Id. at 147.

²² Id. at 153.

²³ Id. at 154.

²⁴ Id. at 155.

²⁵ Id. at 161.

*Report and Recommendation
of the IBP Commission on
Bar Discipline*

In its Report and Recommendation,²⁶ the Investigating Commissioner noted that, instead of refuting the allegations and evidence against him, respondent merely reiterated his charges against complainant. Instead of asserting his defense against complainant's charges, the position paper for the respondent appeared more to be a motion for reconsideration of the Resolution dated March 2, 2009 rendered by the Supreme Court, dismissing the administrative case against complainant.²⁷

In any case, based on the parties' position papers, the Investigating Commissioner concluded that respondent violated Section 20, Rule 138 of the Rules of Court,²⁸ Rules 8.01, 10.01 to 10.03, 11.03, 11.04, 12.02 and 12.04 of the CPR²⁹ and, thus, recommended his suspension from the practice of law for two (2) years,³⁰ for the following reasons:

²⁶ *Rollo*, Vol. 2, pp. 415-431.

²⁷ *Id.* at p. 423.

²⁸ SEC. 20. *Duties of attorneys.* – It is the duty of an attorney:

- (a) To maintain allegiance to the Republic of the Philippines and to support the Constitution and obey the laws of the Philippines;
- (b) To observe and maintain the respect due to the courts of justice and judicial officers;
- (c) To counsel or maintain such actions or proceedings only as appear to him to be just, and such defences only as he believes to be honestly debatable under the law;
- (d) To employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth and honor, and never seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law;
- (e) To maintain inviolate the confidence, and at every peril to himself, to preserve the secrets of his client, and to accept no compensation in connection with his client's business except from him or with his knowledge and approval;
- (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;
- (g) Not to encourage either the commencement or the continuance of an action or proceeding, or delay any man's cause, from any corrupt motive or interest;
- (h) Never to reject, for any consideration personal to himself, the cause of the defenseless or oppressed;
- (i) In the defense of a person accused of crime, by all fair and honorable means, regardless of his personal opinion as to the guilt of the accused, to present every defense that the law permits, to the end that no person may be deprived of life or liberty, but by due process of law.

²⁹ Rule 8.01 – A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

Rule 10.01 – A lawyer shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead, or allow the Court to be misled by any artifice.

Rule 10.02 – A lawyer shall not knowingly misquote or misrepresent the contents of a paper, the language or the argument of opposing counsel, or the test of a decision or authority, or knowingly cite as law a provision already rendered inoperative by repeal or amendment, or assert as a fact that which has not been proved.

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

Rule 11.03 – A lawyer shall abstain from scandalous, offensive or menacing language or behaviour before the Courts.

Rule 11.04 – A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

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.

³⁰ *Rollo*, Vol. 2, pp. 430-431.

First, respondent did not deny having filed four (4) cases against the counsel involved in the intra-corporate case from which the subject administrative cases stemmed, and nine (9) criminal cases against the opposing parties, their lawyers, and the receiver before the Office of the Prosecutor of Lucena City – all of which were subject of judicial notice. The Investigating Commissioner opined that such act manifested respondent's malice in paralyzing these lawyers from exerting their utmost effort in protecting their client's interest.³¹

Second, respondent committed misrepresentation when he cited a quote from former Chief Justice Hilario Davide, Jr. as a thesis when, in fact, it was a dissenting opinion. The Investigating Commissioner further opined that describing the supposed discussions by the judge with respondent's adverse counsels as contemplated crimes and frauds is not only grave but also unfounded and irrelevant to the present case.³²

Third, respondent grossly abused his right of recourse to the courts by the filing of multiple actions concerning the same subject matter or seeking substantially identical relief.³³ He admitted filing pleadings indiscriminately, but argued that it was within his right to do so and it was merely for the purpose of saving CEFI from imminent downfall.³⁴ The Investigating Commissioner opined that the filing of multiple actions not only was contemptuous, but also a blatant violation of the lawyer's oath.³⁵

Fourth, respondent violated Canon 11 of the CPR by attributing to complainant ill-motives that were not supported by the record or had no materiality to the case.³⁶ He charged complainant with coaching adverse counsel on account of their alleged close ties, inefficiency in dealing with his pleadings, acting with dispatch on the adverse party's motions, partiality to the plaintiffs because he was a townmate of Presiding Judge Encomienda, and arriving at an order without predicating the same on legal bases under the principle of *stare decisis*.³⁷ According to the Investigating Commissioner, these charges are manifestly without any basis and also established respondent's disrespect for the complainant.³⁸

³¹ Id. at pp. 424-425.

³² Id. at 426.

³³ Id. at 427.

³⁴ Id. at 428.

³⁵ Id. at 429.

³⁶ Id.

³⁷ Id.

³⁸ Id.

Based on the findings, the Investigating Commissioner ultimately concluded:

As a party directly involved in the subject intra-corporate controversy, it is duly noted that Respondent was emotionally affected by the ongoing case. His direct interest in the proceedings apparently clouded his judgment, on account of which he failed to act with circumspect in his choice of words and legal remedies. Such facts and circumstances mitigate Respondent's liability. Hence, it is hereby recommended that Respondent be suspended from the practice of law for two (2) years.³⁹

Consequently, the IBP Board of Governors issued a Resolution⁴⁰ adopting and approving the report and recommendation of the Investigating Commissioner. It recommended the suspension of respondent from the practice of law for two (2) years.

Aggrieved, respondent moved for reconsideration.

In a Resolution,⁴¹ dated May 4, 2014, the IBP Board of Governors denied respondent's motion for reconsideration as there was no cogent reason to reverse the findings of the Commission and the motion was a mere reiteration of the matters which had already been threshed out.

Hence, pursuant to Section 12(b), Rule 139-B of the Rules of Court,⁴² the Resolution of the IBP Board of Governors, together with the whole record of the case, was transmitted to the Court for final action.

Ruling of the Court

The Court adopts the findings of the Investigating Commissioner and the recommendation of the IBP Board of Governors.

It bears stressing that membership in the bar is a privilege burdened with conditions. It is bestowed upon individuals who are not only learned in law, but also known to possess good moral character. Lawyers should act and comport themselves with honesty and integrity in a manner beyond reproach, in order to promote the public's faith in the legal profession.⁴³

³⁹ Id. at 430.

⁴⁰ Id. at 413-414.

⁴¹ Id. at 512-513.

⁴² Rule 139-B. Section 12. (b) If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action.

⁴³ *Spouses Amatorio vs. Attys. Dy Yap and Siton-Yap*, 755 Phil. 336, 345 (2015).

When lawyers, in the performance of their duties, act in a manner that prejudices not only the rights of their client, but also of their colleagues and offends due administration of justice, appropriate disciplinary measures and proceedings are available such as reprimand, suspension or even disbarment to rectify their wrongful acts.

The Court, however, emphasizes that a case for disbarment or suspension is not meant to grant relief to a complainant as in a civil case, but is intended to cleanse the ranks of the legal profession of its undesirable members in order to protect the public and the courts.⁴⁴ Proceedings to discipline erring members of the bar are not instituted to protect and promote the public good only, but also to maintain the dignity of the profession by the weeding out of those who have proven themselves unworthy thereof.⁴⁵

In this case, perusal of the records reveals that Atty. Calayan has displayed conduct unbecoming of a worthy lawyer.

*Harassing tactics
against opposing counsel*

As noted by the IBP Investigating Commissioner, respondent did not deny filing several cases, both civil and criminal, against opposing parties and their counsels. In his motion for reconsideration of the IBP Board of Governors' Resolution, he again admitted such acts but expressed that it was not ill-willed. He explained that the placing of CEFI under receivership and directing the creation of a management committee and the continuation of the receiver's duties and responsibilities by virtue of the Omnibus Order spurred his filing of various pleadings and/or motions.⁴⁶ It was in his desperation and earnest desire to save CEFI from further damage that he implored the aid of the courts.⁴⁷

The Court is mindful of the lawyer's duty to defend his client's cause with utmost zeal. However, professional rules impose limits on a lawyer's zeal and hedge it with necessary restrictions and qualifications.⁴⁸ The filing of cases by respondent against the adverse parties and their counsels, as correctly observed by the Investigating Commissioner, manifests his malice in paralyzing the lawyers from exerting their utmost effort in protecting their client's interest.⁴⁹ Even assuming *arguendo* that such acts were done without malice, it showed respondent's gross indiscretion as a colleague in the legal profession.

⁴⁴ *Atty. Yumul-Espina vs. Atty. Tabaquero*, A.C. No. 11238, September 21, 2016, 803 SCRA 571, 579.

⁴⁵ See note 35.

⁴⁶ *Rollo*, Vol. 2, p. 433.

⁴⁷ *Id.* at p. 434.

⁴⁸ *Avida Land Corporation vs. Atty. Argosino*, A.C. No. 7437, August 17, 2016, 800 SCRA 510, 520.

⁴⁹ *Rollo*, Vol. 2, p. 425.

*Unsupported ill-motives
attributed to a judge*

As officers of the court, lawyers are duty-bound to observe and maintain the respect due to the courts and judicial officers. They are to abstain from offensive or menacing language or behavior before the court and must refrain from attributing to a judge motives that are not supported by the record or have no materiality to the case.⁵⁰

Here, respondent has consistently attributed unsupported imputations against the complainant in his pleadings. He insisted that complainant antedated the order, dated August 15, 2008, because the envelopes where the order came from were rubber stamped as having been mailed only on August 26, 2008.⁵¹ He also accused the complainant judge of being *in cahoots* and of having *deplorable close ties* with the adverse counsels;⁵² and that complainant irrefutably coached said adverse counsels.⁵³ However, these bare allegations are absolutely unsupported by any piece of evidence. Respondent did not present any proof to establish complainant's alleged partiality or the antedating. The date of mailing indicated on the envelope is not the date of issue of the said order.

Canon 11 and Rule 11.04 of the CPR state that:

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.

x x x

Rule 11.04 A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

In light of the foregoing, the Court finds respondent guilty of attributing unsupported ill-motives to complainant. It must be remembered that all lawyers are bound to uphold the dignity and authority of the courts, and to promote confidence in the fair administration of justice. It is the respect for the courts that guarantees the stability of the judicial institution; otherwise, the institution would be resting on a very shaky foundation.⁵⁴

Hence, no matter how passionate a lawyer is towards defending his client's cause, he must not forget to display the appropriate decorum expected of him, being a member of the legal profession, and to continue to afford proper and utmost respect due to the courts.

⁵⁰ In Re: Supreme Court Resolution dated 28 April 2003 in G.R. Nos. 145817 & 145822, 685 Phil 751, 777 (2012).

⁵¹ *Rollo*, Vol. 1, p. 29; Vol. 2, p. 469 .

⁵² *Rollo*, Vol. 1, p. 143.

⁵³ *Id.* at p. 146.

⁵⁴ *Judge Madrid vs. Atty. Dealca*, 742 Phil. 514, 529 (2014).

*Failure to observe candor, fairness
and good faith before the court;
failure to assist in the speedy and
efficient administration of justice*

It cannot be gainsaid that candidness, especially towards the courts, is essential for the expeditious administration of justice. Courts are entitled to expect only complete candor and honesty from the lawyers appearing and pleading before them. A lawyer, on the other hand, has the fundamental duty to satisfy that expectation. Otherwise, the administration of justice would gravely suffer if indeed it could proceed at all.⁵⁵

In his Motion for Reconsideration⁵⁶ of the Resolution dated February 10, 2014 of the IBP Board of Governors, respondent wrote:

Anent, the Respondent's alleged commission of falsehood in his pleadings, suffice it to state that if certain pleadings prepared by the Respondent contained some allegations that turned out to be inaccurate, the same were nevertheless unintentional and only arose out of the Respondent's honest misappreciation of certain facts;⁵⁷

The records, however, showed that respondent's allegations were not brought about by mere inaccuracy. For one of his arguments against the complainant, respondent relied on Rule 9 of the Interim Rules of Procedure for Intra-Corporate Controversies which provides:

SECTION 1. *Creation of a Management Committee.* — As an incident to any of the cases filed under these Rules or the Interim Rules on Corporate Rehabilitation, **A PARTY MAY APPLY** for the appointment of a management committee for the corporation, partnership or association, when there is imminent danger of: xxx [Emphasis supplied]

He stressed that the courts cannot *motu proprio* legally direct the appointment of a management committee when the *Interim Rules predicate such appointment exclusively upon the application of a party* in the complaint *a quo*.⁵⁸

By employing the term “exclusively” to describe the class of persons who can apply for the appointment of a management committee,⁵⁹ respondent tried to mislead the Court. Lawyers are well aware of the tenor of a provision of law when “may” is used. “May” is construed as permissive and operating to confer discretion.⁶⁰ Thus, when the Interim Rules stated that “*a party may apply x x x,*” it did not connote exclusivity to a certain class. It

⁵⁵ *Chavez vs. Viola*, 273 Phil. 206, 211 (1991).

⁵⁶ *Rollo*, Vol. 2, pp. 432-451.

⁵⁷ *Id.* at p. 437.

⁵⁸ *Id.* at 27.

⁵⁹ *Id.*

⁶⁰ *Social Security Commission, et al. vs. Court of Appeals*, 482 Phil. 449, 450 (2004).

simply meant that should a party opt for the appointment of such, it may do so. It does not, however, exclude the courts from ordering the appointment of a management committee should the surrounding circumstances of the case warrant such.

Further, as regards his alleged misquotation, respondent argues that he should have been cited in contempt. He found justification in *Cortes vs. Bangalan*,⁶¹ to wit:

xxx. The alleged offensive and contemptuous language contained in the letter-complaint was not directed to the respondent court. As observed by the Court Administrator, "what respondent should have done in this particular case is that he should have given the Court (Supreme Court) the opportunity to rule on the complaint and not simply acted precipitately in citing complainant in contempt of court in a manner which obviously smacks of retaliation rather than the upholding of a court's honor."

A judge may not hold a party in contempt of court for expressing concern on his impartiality even if the judge may have been insulted therein. While the power to punish in contempt is inherent in all courts so as to preserve order in judicial proceedings and to uphold the due administration of justice, judges, however, should exercise their contempt powers judiciously and sparingly, with utmost restraint, and with the end in view of utilizing their contempt powers for correction and preservation not for retaliation or vindication.⁶²

As correctly pointed out by the Investigating Commissioner, the jurisprudence quoted precisely cautions a judge against citing a party in contempt, which is totally contradictory to the position of respondent. He misrepresented the text of a decision, in violation of the CPR.

Moreover, in defense of the multiple pleadings he filed, respondent avers that there is no law or rule that limits the number of motions, pleadings and even cases as long as they are sufficient in form and substance and not violative of the prohibition against forum shopping.⁶³ He maintains that his pleadings were filed in utmost good faith and for noble causes, and that he was merely exercising his constitutionally protected rights to due process and speedy disposition of cases.⁶⁴

Ironically, Atty. Calayan's indiscriminate filing of pleadings, motions, civil and criminal cases, and even administrative cases against different trial court judges relating to controversies involving CEFI, in fact, runs counter to the speedy disposition of cases. It frustrates the administration of justice. It degrades the dignity and integrity of the courts.

⁶¹ 379 Phil. 251 (2000).

⁶² Id., at pp. 256-257.

⁶³ *Rollo*, Vol. 1, p. 149.

⁶⁴ *Rollo*, Vol. 2, p. 436.

A lawyer does not have an unbridled right to file pleadings, motions and cases as he pleases. Limitations can be inferred from the following rules:

1. Rules of Court

- a. Rule 71, Section 3. *Indirect Contempt to be Punished After Charge and Hearing*. — After charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

x x x

(c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under Section 1 of this Rule;

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;

x x x

2. Code of Professional Responsibility

- a. Canon 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.
- b. Canon 10, Rule 10.03 — A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.
- c. Canon 12 — A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.
- d. Canon 12, Rule 12.04 — A lawyer shall not unduly delay a case, impede the execution of a Judgment or misuse Court processes.

Respondent justifies his filing of administrative cases against certain judges, including complainant, by relying on *In Re: Almacen (Almacen)*.⁶⁵ He claims that the mandate of the ruling laid down in *Almacen* was to encourage lawyers' criticism of erring magistrates.⁶⁶

In *Almacen*, however, it did not *mandate* but merely recognized the right of a lawyer, both as an officer of the court and as a citizen, to criticize in *properly respectful terms* and through legitimate channels the acts of courts and judges.⁶⁷ In addition, the Court therein emphasized that these criticisms are subject to a condition, to wit:

But it is the cardinal condition of all such criticism that it shall be ***bona fide, and shall not spill over the walls of decency and propriety***. A wide chasm exists between fair criticism, on the one hand, and abuse and slander of courts and the judges thereof, on the other. Intemperate and unfair criticism is a gross violation of the duty of respect to courts. It is

⁶⁵ 142 Phil. 353 (1970).

⁶⁶ Supra note 64.

⁶⁷ Supra note 65 at 369.

such a misconduct that subjects a lawyer to disciplinary action.⁶⁸
[Emphasis supplied.]

Indubitably, the acts of respondent were in violation of his duty to observe and maintain the respect due to the courts of justice and judicial officers and his duty to never seek to mislead the judge or any judicial officer.⁶⁹

In his last ditch attempt to escape liability, respondent apologized for not being more circumspect with his remedies and choice of words. He admitted losing objectivity and becoming emotional while pursuing the cases involving him and the CEFI. The Court, however, reiterates that a lawyer's duty, is not to his client but primarily to the administration of justice. To that end, his client's success is wholly subordinate. His conduct ought to, and must always, be scrupulously observant of the law and ethics. Any means, not honorable, fair and honest which is resorted to by the lawyer, even in the pursuit of his devotion to his client's cause, is condemnable and unethical.⁷⁰

For having violated the CPR and the Lawyer's Oath, respondent's conduct should be meted with a commensurate penalty.

WHEREFORE, the Court **ADOPTS** and **APPROVES** the Resolution of the Integrated Bar of the Philippines – Board of Governors dated September 28, 2013. Accordingly, Atty. Ronaldo Antonio V. Calayan is found **GUILTY** of violating The Lawyer's Oath and The Code of Professional Responsibility and he is hereby ordered **SUSPENDED** from the practice of law for two (2) years, with a **STERN WARNING** that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

Let copies of this decision be furnished the: (a) Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance; (b) the Integrated Bar of the Philippines; and (c) the Office of the Bar Confidant. Let a copy of this decision be attached to the personal records of the respondent.

SO ORDERED.


ALEXANDER G. GESMUNDO
Associate Justice

⁶⁸ Id. at 371.

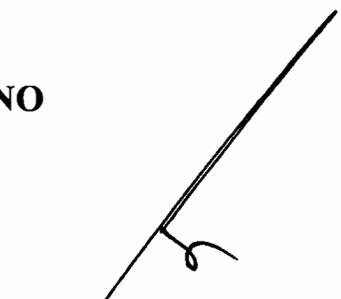
⁶⁹ Sec. 20(b) and (d), Rule 138, Rules of Court.

⁷⁰ *Rural Bank of Calape, Inc. Bohol vs. Florido*, 635 Phil. 176, 180-181 (2010).

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice


ANTONIO T. CARPIO
Associate Justice


PRESBITERO J. VELASCO, JR.
Associate Justice

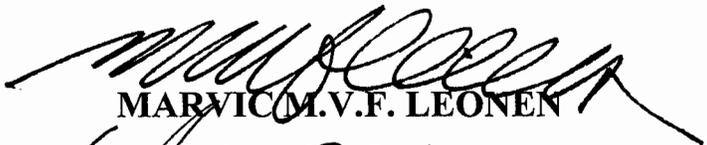

TERESITA J. LEONARDO-DE CASTRO
Associate Justice


DIOSDADO M. PERALTA
Associate Justice

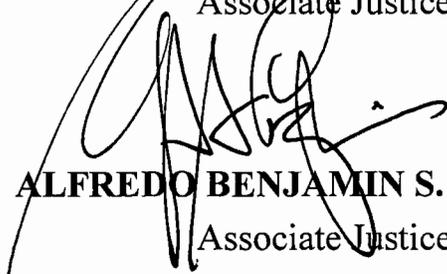

LUCAS P. BERSAMIN
Associate Justice

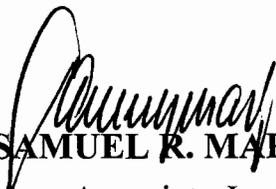

MARIANO C. DEL CASTILLO
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

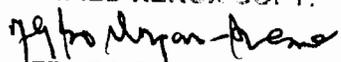

FRANCIS H. JARDELEZA
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


SAMUEL R. MARTIRES
Associate Justice


NOEL C. TIJAM
Associate Justice


ANDRES B. REYES, JR.
Associate Justice

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FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT

