



Republic of the Philippines
Supreme Court
Manila

EN BANC

**Re: Illegal Campaign and Activities in
Integrated Bar of the Philippines –
Central Luzon Allegedly Perpetrated
by Atty. Nilo Divina**

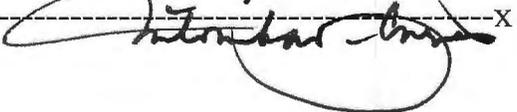
A.M. No. 23-04-05-SC

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAMAPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

Promulgated:

July 30, 2024

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DECISION

GAERLAN, J.:

Antecedents

The instant case arose from an *Anonymous Letter*¹ dated March 24, 2023 (Anonymous Letter) filed against Atty. Nilo T. Divina (Atty. Divina) for alleged illegal campaigning activities relative to the election of the Integrated Bar of the Philippines (IBP)-Central Luzon Region.

¹ *Rolló*, pp.1-2.

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According to the Anonymous Letter, it is allegedly an open secret that Atty. Divina wants to become IBP-Central Luzon Governor as a stepping stone to become the IBP National President. Atty. Divina has allegedly spent hundreds of thousands, if not millions of pesos, in prohibited campaign activities. In particular, the Anonymous Letter highlights the following instances wherein Atty. Divina allegedly foot the bill on behalf of the IBP-Central Luzon Officers:²

1. During the Summer of 2022, Atty. Divina brought the IBP-Central Luzon Officers to the Balesin Island Club in Polilio, Quezon;
2. On December 2022, Atty. Divina gave out cash and gift checks worth hundreds of thousands of pesos to IBP-Central Luzon Officers; and
3. On February 2023, Atty. Divina brought the IBP-Central Luzon Officers to Bali, Indonesia³

The Anonymous Letter further enumerates the following IBP-Central Luzon Officers who were identified from several Facebook publications to be present in Bali, Indonesia, together with Atty. Divina, namely: “Winston Ginez,” “Buko dela Cruz,” “Peng dela Rama,” and “Jade Molo.”⁴

The Anonymous Letter likewise attached a copy of a Letter titled “My Story,” allegedly written by Atty. Jocelyn Z. Martinez-Clemente (Atty. Clemente), wherein, among others, it detailed a meeting she had with Atty. Adenn Sigua (Atty. Sigua), Atty. Peter Paul S. Maglalang (Atty. Maglalang), Atty. Myla Matic,⁵ and Atty. Divina, at the latter’s office in Makati. During the said meeting, Atty. Clemente was allegedly asked what position she would want if Atty. Divina became IBP-Central Luzon Governor. Thereafter, they were allegedly given Sodexo gift certificates in the amount of PHP 50,000.00.⁶

In Our Resolution⁷ dated April 11, 2023, We directed the following individuals identified in the Anonymous Letter to file their respective Comments thereto: “(1) Atty. Nilo Divina; (2) Winston Ginez; (3) Peng dela Rama; (4) Buko dela Cruz; (5) Jade Molo; (6) Atty. Jo Clemente; and (7) Atty. Peter Paul S. Maglalang.”⁸ Moreover, this Court likewise directed the IBP National Officers and IBP-Central Luzon Officers to inform the Court of the identities of every person appearing in the photos attached to the Anonymous Letter.⁹

² *Id.* at 1.

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 292-C.

⁶ *Id.* at 1-2.

⁷ *Id.* at 54-58.

⁸ *Id.* at 54 & 56.

⁹ *Id.*

Submissions of the Parties

On April 27, 2023, Atty. Clemente filed her Compliance of even date, wherein she stood by her article “My Story”¹⁰ and affirmed the contents thereof and attached a signed copy as proof of her affirmation.

At the outset, Atty. Clemente confirms having attended the Balesin Trip in 2022 but characterized the event as a regional team-building activity attended by the officers of IBP-Central Luzon and officers from several IBP Chapters. However, Atty. Clemente denies that the Balesin Trip was organized to build patronage for Atty. Divina.

Thereafter, Atty. Clemente provides a background behind the election of the Governor for IBP-Central Luzon. According to her, the election of the Governor is by tradition done *via* a “round robin” method, wherein each chapter has an opportunity to have their representative as Governor based on an order. The order for the chapters is allegedly as follows: Bataan, Pangasinan, Zambales, Tarlac, Nueva Ecija, Pampanga, and Bulacan. That for the years 2023-2025, it was IBP-Tarlac Chapter’s turn to have a Governor for IBP-Central Luzon.¹¹

According to Atty. Clemente, by tradition, officers of IBP-Tarlac Chapter rise by ascension, wherein the previous Secretary shall serve subsequently as Vice-President, and the previous Vice-President shall serve as President of the Chapter. Atty. Clemente was the Secretary of the said Chapter for 2019-2021 and was supposed to be the Vice-President for 2021-2023, until she was challenged by Atty. Warren Sarsagat (Atty. Sarsagat). Atty. Clemente, however, gave way to avoid any issues. Thus, it was Atty. Sarsagat, who was elected to the post of Vice-President for 2021-2023 and Atty. Sigua as its President for the same term. However, during the said elections, Atty. Sarsagat announced that he would not pursue the position of President and that it would be Atty. Clemente, following tradition. Thus, it was Atty. Clemente, who was next in line as President of the Chapter for 2023-2025.¹²

However, some of the past Presidents of the chapter, in particular Atty. Mariemier Rivera (Atty. Rivera) was vocal in their objection to elect Atty. Clemente to the post of President. Atty. Clemente surmised that this was because of the issues she had repeatedly raised regarding unliquidated amounts received by the Chapter from the National IBP for the former’s allocations for legal aid from 2011 to 2019, which were during Atty. Rivera’s terms.¹³

¹⁰ *Id.* at 3–8.

¹¹ *Id.* at 292.

¹² *Id.* at 293.

¹³ *Id.* at 294–295.

With respect to the post of Governor for the IBP-Central Luzon for the term 2021-2023, it was supposed to be the turn of IBP-Zambales Chapter. However, according to Atty. Clemente this was “grabbed” by IBP-Pampanga Chapter, which is why Atty. Maglalang sits as its incumbent Governor.¹⁴

Atty. Clemente then recalls that during the IBP-Central Luzon 2021 Christmas Party, Atty. Divina was introduced as a new member of the Tarlac Chapter. The said Christmas Party was allegedly sponsored by Atty. Divina and that Atty. Divina would be helping renovate the IBP-Tarlac Chapter office amounting to PHP 2 million. That the funds sent for the renovation of the office was not deposited in the official IBP-Tarlac account. Neither was there any Board resolution passed accepting the donation and approving the renovation. Nevertheless, the renovation proceeded and was finished in August 2022.¹⁵

Atty. Clemente also recounts that the previous general counsel of IBP-Central Luzon had passed away, and the post was filled in by Atty. Divina.¹⁶

During this time also, Atty. Divina had been providing financial contributions to the Chapter without them being recorded in its official accounts.¹⁷

Atty. Clemente ends by narrating the events that have happened, starting from when IBP-Pampanga Chapter, Atty. Maglalang, who grabbed the reins as Governor of IBP-Central Luzon has allegedly been calculated to pave the way for Atty. Divina to eventually take the post once it was the IBP-Tarlac Chapter’s turn for Governor.¹⁸

On May 17, 2023, Atty. Clemente filed a Supplemental Comment.¹⁹ Atty. Clemente detailed that early on, Atty. Divina had allegedly been fishing other IBP Chapters to join so that he could use it as a means of getting a seat as IBP Governor and eventually Executive Vice-President (EVP). It was only the IBP-Tarlac Chapter that was receptive to the idea of welcoming Atty. Divina to its fold.²⁰

As a final note, Atty. Clemente prayed that the IBP-Tarlac Chapter would be given the opportunity, as part of IBP-Central Luzon, to have its representative elected as Governor of the region.²¹

¹⁴ *Id.* at 293.

¹⁵ *Id.* at 293–294.

¹⁶ *Id.* at 293.

¹⁷ *Id.* at 293–294.

¹⁸ *Id.* at 294.

¹⁹ *Id.* at 389.

²⁰ *Id.* at 391–392.

²¹ *Id.* at 394.

On April 28, 2023, Atty. Maglalang filed his Comment and Compliance²² dated April 27, 2023. According to his Comment, Atty. Maglalang is the incumbent Governor of IBP-Central Luzon.²³ With respect to the alleged intentions of Atty. Divina to run for IBP-Central Luzon Governor, he remarks that there are indeed many individuals encouraging Atty. Divina to run for the position due to the latter's support to the region and its various chapters. Atty. Divina is a member of the Tarlac Chapter and a Legal Adviser as one of the IBP-Central Luzon Regional Officers. However, Atty. Maglalang states that Atty. Divina has intimated to him that he was hesitant to run for the position given his position as Dean of the University of Santo Tomas (UST) Faculty of Civil Law and as Managing Partner of Divina Law firm. Atty. Maglalang goes on to enumerate the contributions of Atty. Divina to IBP-Central Luzon and its chapters.²⁴

With respect to the allegations that Atty. Divina engaged in illegal campaigning, Atty. Maglalang explains that the trip to Balesin Resort was a team-building activity for Chapter and Regional Officers of IBP-Central Luzon sponsored by Atty. Divina. On the other hand, Atty. Maglalang explains that the trip to Bali, Indonesia was organized for both the IBP-Central Luzon and UST Law Alumni Association officers as its Christmas Party and farewell party for the outgoing officers of IBP-Central Luzon.²⁵

Anent the Sodexo Gift Certificates, Atty. Maglalang explains that it was given as an exchange gift for the barong, fruits, and IBP-Central Luzon wristwatch that Atty. Maglalang gave to Atty. Divina as Christmas gifts.²⁶

Atty. Maglalang then argues that under Section 14 of the IBP By-laws,²⁷ there are certain acts and practices that are prohibited relative to IBP elections.²⁸ In particular, Atty. Maglalang maintains that the sponsored trips and support

²² *Id.* at 59–38.

²³ *Id.* at 59.

²⁴ *Id.* at 60–62.

²⁵ *Id.* at 62.

²⁶ *Id.* at 66–67.

²⁷ Section 14. Prohibited acts and practices relative to elections. — The following acts and practices relative to elections are prohibited, whether committed by a candidate for any elective office in the Integrated Bar or by any other member, directly or indirectly, in any form or manner, by himself or through another person.

(1) Distribution, except on election day, of election campaign materials;

(2) Distribution, on election day, of election campaign materials other than a statement of the biodata of the candidate on not more than one page of a legal size sheet of paper; or causing the distribution of such statement to be done by persons other than those authorized by the officer presiding at the elections;

(3) Campaigning for or against any candidate, while holding an elective, judicial, quasi-judicial or prosecutory office in the Government or any political subdivision, agency or instrumentality thereof;

(4) Formation of tickets, single slates, or combinations of candidates as well as the advertising thereof;

(5) For the purpose of inducing or influencing a member to withhold his vote, or to vote for or against a candidate, (1) payment of the dues or other indebtedness of any member; (2) giving of food, drink, entertainment, transportation or any article of value, or any similar consideration to any person; or (3) making a promise or causing an expenditure to be made, offered or promise to any person.

²⁸ *Rollo*, p. 85.

extended by Atty. Divina was not for the purpose of inducing or influencing any IBP members to vote for the latter.²⁹

On April 24, 2023, Atty. Enrique V. Dela Cruz, Jr. (Atty. Dela Cruz), filed his Compliance with Comment³⁰ of even date. Atty. Dela Cruz denies the allegations in the Anonymous Letter that he is an officer of the IBP or any of its chapter, and that he is merely a member of the Bulacan Chapter.³¹ Moreover, Atty. Dela Cruz clarifies that he was in Bali, Indonesia to attend an event of the UST Law Alumni Association, being an elected member of the Board of Trustees, and that it was a mere coincidence that they stayed in the same hotel, the “Anvaya Beach Resort Bali,” together with the officers of the IBP-Central Luzon.³²

On April 27, 2023, Atty. Jose I. Dela Rama, Jr., (Atty. Dela Rama), filed his Comment on even date. In his Comment, Atty. Dela Rama recounts the history and culture of IBP – Central Luzon, explaining that sponsorships for their activities were not uncommon. Atty. Dela Rama details the various activities of IBP – Central Luzon which have been aided by the support of various sponsors.

On April 27, 2023, Atty. Michael Camilo G. Datario (Atty. Datario), filed his Compliance³³ dated April 25, 2023. In his Compliance, Atty. Datario states that he is the immediate past president of the IBP-Pangasinan Chapter.³⁴ Atty. Datario has furnished a copy of the Resolution of this Court to identify the individuals appearing in the photos attached to the Anonymous Letter. Atty. Datario then identifies the individuals appearing in the said photos.³⁵

On April 28, 2023, Atty. Charina P. Ramos (Atty. Ramos), filed her Compliance³⁶ dated April 27, 2023. In the said Compliance, Atty. Ramos states that she is the President of the IBP-Bataan Chapter for the term 2021-2023 and that she is no longer an incumbent IBP-Central Luzon Officer. Atty. Ramos was furnished a copy of the Resolution of this Court to identify the individuals appearing in the photos attached to the Anonymous Letter. Atty. Ramos then identifies the individuals appearing in the said photos.³⁷

²⁹ *Id.* at 86.

³⁰ *Id.* at 213–217.

³¹ *Id.* at 213.

³² *Id.* at 213–214.

³³ *Id.* at 232–233.

³⁴ *Id.* at 232.

³⁵ *Id.* at 234–240.

³⁶ *Id.* at 241–243.

³⁷ *Id.* at 241–242.

On April 28, 2023, Atty. Winston M. Ginez (Atty. Ginez), filed his Comment³⁸ of even date. Atty. Ginez states that the IBP-Central Luzon consists of seven chapters: (1) IBP-Bataan Chapter; (2) IBP-Bulacan Chapter; (3) IBP-Nueva Ecija; (4) IBP-Pampanga Chapter; (5) IBP-Pangasinan Chapter; (6) IBP-Tarlac Chapter; and (7) IBP-Zambales Chapter.³⁹

In February 2021, Atty. Ginez was elected as President of IBP-Zambales Chapter for the 2021-2023 term.⁴⁰ According to Atty. Ginez, the trip to Balesin Island Resort was a legitimate IBP-Central Luzon team-building activity. Meanwhile, the trip to Bali, Indonesia was a legitimate post-Christmas party celebration attended by IBP-Central Luzon officers. Atty. Ginez then identifies the individuals appearing in the photographs attached to the Anonymous Letter.⁴¹

On April 28, 2023, Atty. Jade Paulo Tranate Molo (Atty. Molo), filed his Comment⁴² dated April 27, 2023. According to Atty. Molo, he is a member of the IBP-Bataan Chapter and is currently serving as its President for the term 2023-2025.⁴³ Also, according to him, the Balesin Resort trip was a regional team building for the officers of IBP-Central Luzon, which involved group activities and games.⁴⁴ On the other hand, the Bali, Indonesia trip was a post-Christmas party of the IBP-Central Luzon. Atty. Molo found nothing irregular or illegal in the fact that Atty. Divina sponsored the trips and activities of IBP-Central Luzon as these were normal occurrences and did not have any conditions attached to them. Moreover, Atty. Molo emphasized that during the said trips, he was not even an officer of IBP-Bataan Chapter. It was only after the February 25, 2023 election of the IBP-Bataan Chapter that Atty. Molo became its president.⁴⁵

Atty. Molo likewise recalled that during the lunch at Atty. Divina's law office last December 8, 2022, he denied receiving any Sodexo gift cards. What was only given to them was for the IBP-Bataan Chapter Christmas party, and that it was given unconditionally without any thing expected in return.⁴⁶

On April 28, 2023, Atty. Divina, filed his Comment⁴⁷ of even date. In his Comment, Atty. Divina denies engaging in illegal or prohibited campaigning and that the activities he sponsored for the IBP-Central Luzon

³⁸ *Id.* at 317-320.

³⁹ *Id.* at 317.

⁴⁰ *Id.*

⁴¹ *Id.* at 317-322.

⁴² *Id.* at 279-285.

⁴³ *Id.* at 279.

⁴⁴ *Id.* at 280-281.

⁴⁵ *Id.* at 282-283.

⁴⁶ *Id.* at 284.

⁴⁷ *Id.* at 244-266.

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were unconditional and borne out of goodwill. Atty. Divina emphasized that his generosity is only a way of giving back to the legal community.⁴⁸

Atty. Divina does not deny sponsoring IBP activities, which are not only limited to Central Luzon but also other Chapters from Manila, Makati, Quezon City, Cebu, Bicolandia, and Misamis Oriental. Atty. Divina has been actively participating and supporting the IBP as early as 2012 through various sponsorships and donations, such as Christmas parties, golf tournaments, regional conventions, and the like.⁴⁹

According to Atty. Divina, due to his active participation as a member of IBP-Central Luzon, he was constantly encouraged to run for its Governor. However, despite the encouragement of his peers and his intention of helping IBP, he could not handle the demands of being an IBP Governor. Atty. Divina emphasized that this would take time away from his obligations as Dean of the UST Faculty of Civil Law, a law professor, and as the Managing Partner of his law firm.⁵⁰

Atty. Divina addressed the Anonymous Letter that he could not have been engaged in illegal or prohibited campaign activities, considering that he was not a candidate for any position. Atty. Divina likewise points out that the individuals who attended the Bali and Balesin trips allegedly had no power to nominate and vote for IBP-Central Luzon Governor.⁵¹

Suspension of the May 5, 2023 Election for IBP-Central Luzon Governor

In compliance with this Court's Resolution dated April 25, 2023, the election of officers for IBP-Central Luzon scheduled on May 5, 2023 was held in the abeyance. Meanwhile the election for Governor for the other regions proceeded as scheduled.⁵²

Pending resolution of the present controversy, and so as not to disenfranchise IBP-Central Luzon of representation at the 26th Board of Governors (BOG), this Court appointed, Atty. Maria Imelda Quiambao-Tuazon as the Officer-in-Charge of IBP-Central Luzon to temporarily discharge the functions of Governor and to represent the Central Luzon Region at the 26th BOG, until such time that a special election is conducted for the Region.⁵³

⁴⁸ *Id.* at 245 and 247.

⁴⁹ *Id.* at 248.

⁵⁰ *Id.* at 254–255.

⁵¹ *Id.* at 255–257.

⁵² Attached Supreme Court Notice dated June 27, 2023, p.1.

⁵³ *Id.* at 1–2.

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DISCUSSION

The IBP as a Public Institution

The IBP is a public institution with its officers performing public functions. Thus, its officers – whether in the National, Regional, or Local Chapters should be held to a higher degree of standard and should, as much as possible avoid involvement in activities that may erode the integrity and independence of the IBP as a public institution, and to ensure and maintain the appearance of impartiality in the performance of its functions.

The integration of the Bar is a process by which every member of the Bar is afforded an opportunity to do his or her share in carrying out the objectives of the Bar as well as obliged to bear his or her portion of its responsibilities.⁵⁴ Relatedly, the term “Bar” refers to the collectivity of all persons whose names appear in the Roll of Attorneys.⁵⁵ The “Integrated Bar” is organized by or under the direction of the State and is an official national body of which all lawyers are required to be members.⁵⁶

Thus, when Congress enacted Republic Act No. 6397,⁵⁷ authorizing the Supreme Court to adopt rules to effect the integration of the Philippine Bar, it was in the exercise of the paramount police power of the State to “raise the standards of the legal profession, improve the administration of justice, and enable the Bar to discharge its public responsibility more effectivity.”⁵⁸ Furthermore, the integration of the Philippine Bar and its constitution into a body corporate through Presidential Decree No. 181⁵⁹ were dictated by fundamental considerations of public welfare and motivated by a desire to meet the demands of pressing public necessity.⁶⁰

The foregoing authority and imprimatur to integrate the Philippine Bar finds its legal moorings as early as the 1935 Constitution, in particular Article

⁵⁴ *In the Matter of the IBP Membership Dues Delinquency of Atty. Marcial A. Edillon*, 174 Phil. 55, 61 (1978) [Per C.J. Castro, *En Banc*].

⁵⁵ *In the Matter of the Integration of the Bar of the Philippines*, 151 Phil. 132, 135 (1973) [*Per curiam*, *En Banc*]. See also *Garcia v. De Vera*, 463 Phil. 385 (2003) [Per J. Tinga, *En Banc*].

⁵⁶ *In the Matter of the IBP Membership Dues Delinquency of Atty. Marcial A. Edillon*, 174 Phil. 55, 61 (1973) [Per C.J. Castro, *En Banc*].

⁵⁷ AN ACT PROVIDING FOR THE INTEGRATION OF THE PHILIPPINE BAR, AND APPROPRIATING FUNDS THEREFOR, Approved on September 17, 1971.

⁵⁸ *In the Matter of the IBP Membership Dues Delinquency of Atty. Marcial A. Edillon*, 174 Phil. 55, 63 (1973) [Per C.J. Castro, *En Banc*].

⁵⁹ CONSTITUTING THE INTEGRATED BAR OF THE PHILIPPINES INTO A BODY CORPORATE AND PROVIDING GOVERNMENT ASSISTANCE THERETO FOR THE ACCOMPLISHMENT OF ITS PURPOSES, approved on May 4, 1973.

⁶⁰ *In the Matter of the IBP Membership Dues Delinquency of Atty. Marcial A. Edillon*, 174 Phil. 55, 63 (1978) [Per C.J. Castro, *En Banc*].

VIII, Section 13 thereof, which granted the Supreme Court the power to promulgate rules concerning the admission to the practice of law.⁶¹

In *Tabuzo v. Gomos*,⁶² the Court had occasion to trace the statutory genealogy of the IBP as an institution. We quote the discussion of Chief Justice Alexander G. Gesmundo, to wit:

The IBP's existence traces its roots to Section 13, Article VIII of the 1935 Constitution which stated that:

Section 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same. The Congress shall have the power to repeal, alter or supplement the rules concerning pleading, practice, and procedure, and the admission to the practice of law in the Philippines.

In view of this provision, Congress enacted R.A. No. 6397 which gave this Court the facility to initiate the integration process of the Philippine Bar; the provisions of which read:

Section 1. Within two years from the approval of this Act, the Supreme Court may adopt rules of court to effect the integration of the Philippine Bar under such conditions as it shall see fit in order to raise the standards of the legal profession, improve the administration of justice, and enable the bar to discharge its public responsibility more effectively.

Section 2. The sum of live hundred thousand pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, to carry out the purposes of this Act. Thereafter, such sums as may be necessary for the same purpose shall be included in the annual appropriations for the Supreme Court.

Section 3. This Act shall take effect upon its approval.

⁶¹ Section 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same. The Congress shall have the power to repeal, alter or supplement the rules concerning pleading, practice, and procedure, and the admission to the practice of law in the Philippines.

⁶² 836 Phil. 297 (2018) [Per J. Gesmundo, Third Division].

Meanwhile, the 1973 Constitution was ratified wherein Section 5 (5) of Art. X enumerated the powers of this Court, thus:

Promulgate rules concerning pleading, practice, and procedure in all courts, the admission to the practice of law, and the integration of the bar, which, however, may be repealed, altered or supplemented by the Batasang Pambansa. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights.

Finally, the legal quandary pertaining to the integration of the Philippine Bar culminated in the promulgation of In the Matter of the Integration of the Bar of the Philippines where the Court upheld the integration of the Philippine Bar on the ground that it was sanctioned by Section 13, Art. VIII of the 1935 Constitution.

Following this judicial pronouncement, Presidential Decree (P.D.) No. 181 was enacted formally creating the IBP and vesting it with corporate personality. Section 2 of the law states:

Section 2. The Integrated Bar shall have perpetual succession and shall have all legal powers appertaining to a juridical person, particularly the power to sue and be sued; to contract and be contracted with; to hold real and personal property as may be necessary for corporate purposes; to mortgage, lease, sell, transfer, convey and otherwise dispose of the same; to solicit and receive public and private donations and contributions; to accept and receive real and personal property by gift, devise or bequest; to levy and collect membership dues and special assessments from its members; to adopt a seal and to alter the same at pleasure; to have offices and conduct its affairs in the Greater Manila Area and elsewhere; to make and adopt by-laws, rules and regulations not inconsistent with the laws of the Philippines or the Rules of Court, particularly Rule 139-A thereof; and generally to do all such acts and things as may be necessary or proper to carry into effect and promote the purposes for which it was organized.

Significantly, Section 6 of P.D. No. 181 still recognized this Court's constitutional power to promulgate rules concerning the IBP, and such power of the Court was also institutionalized and carried into the present Constitution in which Sec. 5 (5), Art. VIII now reads:

Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of

procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.⁶³
(Emphasis and citations omitted)

Accordingly, the Court in *Tabuzo*, after having sifted through the foregoing statutory and jurisprudential background, characterized the IBP as “***a sui generis public institution deliberately organized, by both the legislative and judicial branches of government and recognized by the present and past Constitutions, for the advancement of the legal profession.***”⁶⁴

As a public institution, the IBP’s general objectives and purposes, as embodied in its Revised By-Laws as approved by the Court in Bar Matter No. 4261,⁶⁵ includes:

(a) to elevate the standards of the legal profession; foster and maintain, on the part of its members, high ideals of integrity, learning, professional competence, and public service and conduct; safeguard the professional interests of its members; and cultivate among its members a spirit of cordiality and camaraderie;

(b) to assist and improve the administration of justice; encourage and foster a continuing legal education program; promote a continuing program of legal research in substantive and adjective law; and make reports and recommendations thereon; and

(c) to enable the Bar to discharge its public responsibilities more effectively; provide a forum for the discussion of law, jurisprudence, law reform, pleading, practice and procedure, and the relations of the Bar with the Bench and to the public, and publish information relation thereto.

In addition, the IBP through the Commission on Bar Discipline may be delegated by this Court to assist in the conduct of fact-finding investigations and make recommendations on complaints for disbarment, suspension, and discipline of lawyers.⁶⁶ This power is a manifestation of the Court’s Constitutional mandate to discipline lawyers⁶⁷ and to regulate, supervise, and control the practice of law in the Philippines.⁶⁸

⁶³ *Id.* at 308–310.

⁶⁴ *Id.* at 298. (Emphasis supplied)

⁶⁵ *In Re: The Proposed Integrated Bar of the Philippines Revised By-Laws*, March 8, 2023.

⁶⁶ *Melad-Ong v. Sabban*, A.C. No. 19511, January 4, 2022 [*Per Curiam, En Banc*]; *Ramirez v. Buhayang-Margallo*, 752 Phil. 473, 484 (2015) [*Per J. Leonen, En Banc*]; *Tan v. IBP Commission on Bar Discipline*, 532 Phil. 605, 611–612 (2006) [*Per J. Tinga, Third Division*].

⁶⁷ CONST., art. VIII, sec. 11. *See also Ramirez v. Buhayang-Margallo, id.*

⁶⁸ *Frias v. Bautista-Lozada*, 523 Phil. 17, 20 (2006) [*Per J. Corona, En Banc*].

More recently, the Court recognized the invaluable participation of the IBP in ensuring a lawyer's accountability to society, the courts, the legal profession, and the client.⁶⁹

Under Canon VI of the Code of Professional Responsibility and Accountability (CPRA), disciplinary proceedings against lawyers may be commenced by the Supreme Court on its own initiative, or upon the filing of a verified complaint by the board of Governors of the IBP, or by any person, before the Supreme Court or the IBP.⁷⁰ In addition, the Supreme Court may refer an administrative case filed before it to the IBP for investigation, report and recommendation.⁷¹ In the exercise of its investigatory authority, the IBP acting through the appointed Investigator has the power to issue *subpoenae* and administer oaths.⁷² Moreover, the IBP through its BOG, upon the recommendation of the assigned Investigator, may cite a party for indirect contempt for willful failure or refusal to obey a subpoena or any other lawful order issued by the Investigator.⁷³ In addition, the IBP through its BOG may recommend to this Court the preventive suspension of a lawyer from the practice of law during the pendency of the investigation.⁷⁴

Aside from the foregoing function, the IBP likewise appoints a representative to the Judicial and Bar Council to participate in the selection of nominees for appointment to vacant positions in the judiciary.⁷⁵

Clearly, the functions and authority exercised by the IBP extend beyond fostering camaraderie amongst the members of the Bar. The IBP as a public institution plays a crucial role to elevate the standards of the legal profession, to assist and improve the administration of justice, to enable the Bar to discharge its public responsibilities more effectively, among others. Accordingly, the IBP Officers who perform their mandate to serve the members of the Bar owe it to them to preserve and maintain the IBP's integrity and independence.

Power of the Supreme Court to regulate the activities of the IBP, in particular the conduct of its elections

Implicit in the wording of Article VIII, Section 5 of the 1987 Constitution is the Supreme Court's power to supervise all the activities of the

⁶⁹ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, A.M. No. 22-09-01-SC, April 11, 2023.

⁷⁰ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 2.

⁷¹ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 2.

⁷² CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 18.

⁷³ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 19.

⁷⁴ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 31.

⁷⁵ *In re Inquiry into the 1989 Elections of the Integrated Bar of the Philippines*, 258-A Phil. 173, 197 (1989) [*Per Curiam, En Banc*].

IBP, including the election of its officers.⁷⁶ Likewise, the Revised By-Laws of the IBP recognizes the authority of the Supreme Court to supervise and regulate its affairs. In particular, the Revised By-Laws of the IBP allows the Court: (a) to designate an official observer at any election of the IBP;⁷⁷ (b) to amend, modify, or repeal the IBP's By-Laws;⁷⁸ and (c) to approve the removal of a member of the BOG.⁷⁹

Notably, this is not the first time that the Court has been compelled to exercise its power and authority to regulate the activities of the IBP, in particular the conduct and outcome of the election of its officers. The election of officers of the IBP be it in the National, Regional, or Local Chapter level has not been spared of controversy.

In *Garcia v. De Vera*,⁸⁰ the Court issued a Temporary Restraining Order enjoining the conduct of the election for the IBP Regional Governor in Eastern Mindanao after a petition was filed seeking to disqualify one of the candidates, Atty. Leonard De Vera. According to the petition, Atty. Leonard De Vera had purposefully transferred his IBP membership from Pasay, Parañaque, Las Piñas, and Muntinlupa Chapter to Agusan del Sur Chapter, in brazen abuse of the rotation rule allegedly with the ultimate goal of seizing the IBP Presidency. In addition, petitioners likewise claim that Atty. Leonard De Vera is disqualified because he is not morally fit to occupy the position of governor of Eastern Mindanao.

In *Re Inquiry into the 1989 Elections of the Integrated Bar of the Philippines*,⁸¹ the Court acting on widespread reports of intensive electioneering and overspending by the candidates, formed a committee to conduct a formal inquiry to determine the veracity of the reports and to determine whether prohibited acts and activities under the IBP By-Laws were committed before and during the 1989 IBP National elections. After the formal investigation, the Court found that candidates for the national positions in the IBP elections committed prohibited acts and practices relative to elections and violated the idea of a "strictly non-political" Integrated Bar. Accordingly, the Court annulled the elections for the IBP National Officers held on June 3, 1989 and repealed several provisions of the IBP By-Laws, which allowed for extravagant electioneering and restored the system of having the IBP President and EVP elected by the Board of Governors.

⁷⁶ 463 Phil. 385 (2003) [Per J. Tinga, *En Banc*].

⁷⁷ THE REVISED BY-LAWS OF THE INTEGRATED BAR OF THE PHILIPPINES, sec. 15.

⁷⁸ THE REVISED BY-LAWS OF THE INTEGRATED BAR OF THE PHILIPPINES, sec. 80.

⁷⁹ THE REVISED BY-LAWS OF THE INTEGRATED BAR OF THE PHILIPPINES, sec. 44.

⁸⁰ *Garcia v. De Vera*, 463 Phil. 385, 401-402 (2003) [Per J. Tinga, *En Banc*].

⁸¹ 258-A Phil. 173 (1989) [*Per Curiam, En Banc*].

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In *Re: Brewing Controversies in the Elections in the Integrated Bar of the Philippines*,⁸² the Court formed a Special Investigating Committee to look into the leadership controversy at the IBP, specifically the elections of Vice-President for the Greater Manila Region, EVP of the IBP and the election of Governors for Western Mindanao and Western Visayas. During the pendency of the administrative case against Atty. Rogelio A. Vinluan (Atty. Vinluan), he was not allowed to assume his position as President of the IBP for 2009-2011, and instead the Court designated retired Supreme Court Associate Justice Santiago Kapunan as the Officer-in-Charge of the IBP. The Court would eventually find Atty. Vinluan and his compatriots guilty of grave professional misconduct and were disqualified to run as national officers of the IBP in any subsequent election.

Accordingly, We have repeatedly stepped into and assumed supervision of the conduct and activities of the IBP. Nevertheless, while the Court has been granted an extensive power of supervision over the IBP, it is axiomatic that such power should be exercised prudently.⁸³

Atty. Divina did not violate Section 14 of the Revised IBP By-Laws

In *Re: 1989 Elections of the IBP*, the Court pronounced that the unethical practices of lawyers during IBP elections cannot but result in the stature of the IBP as an association of the practitioners of a noble and honored profession being diminished.

Section 14 of the Revised IBP By-Laws enumerates several prohibited acts and practices relative to the elections of officers:

Section 14. *Prohibited acts and practices relative to elections.* – The following acts and practices relative to the elections of officers are prohibited, whether committed by a candidate for any elective office in the Integrated Bar or by any other member, directly or indirectly, in any form or manner, by themselves or through another person:

(1) Distribution, except within seven (7) days from election day, of election campaign materials in support of a candidate;

(2) Campaigning for or against any candidate, while holding an elective, judicial, quasi-judicial, or prosecutory position or office in the government or any political subdivision, agency or instrumentality thereof;

⁸² 652 Phil. 398 (2010) [Per C.J. Corona, *En Banc*].

⁸³ *Velez v. De Vera*, 528 Phil. 763, 806 (2006) [Per *Curiam*, *En Banc*].

(3) Formation of tickets, single slates, or combinations of candidates as well as the advertising thereof, except within seven (7) days from election day;

(4) For the purpose of inducing or influencing a member to withhold his or her vote, or to vote for or against a candidate: (a) payment of the dues to the Integrated Bar or other indebtedness of any member to any third party; (b) giving of food, drink, entertainment, transportation, or any article of value, or similar consideration to any person; or (c) making a promise or causing an expenditure to be made, offered, or promised to any person.

In the present controversy, Atty. Divina is charged with having committed “patently illegal, prohibited, and corrupt campaign activities” relative to Atty. Divina’s alleged intention to run as IBP-Central Luzon Governor during the scheduled May 5, 2023 elections.

While the act of Atty. Divina in sponsoring the trip to the Balesin Island Club in Polilio, Quezon and Bali, Indonesia of the IBP-Central Luzon Officers might appear extravagant and excessive, We do not find the same to have been committed relative to any elections in the IBP.

First, there is no concrete evidence that, indeed, Atty. Divina has or had any intention of running for Governor of IBP-Central Luzon.

The Anonymous Letter in fact explicitly states that Atty. Divina’s intentions to be the IBP-Central Luzon Governor is “an open secret.” However, without any corroborating evidence, such statement remains to be hearsay.

We likewise find nothing in Atty. Clemente’s article which shows that Atty. Divina himself intimated his intention to run for IBP-Central Luzon Governor. If anything, Atty. Clemente recounts that it was Atty. Maglalang who asked her what position she wanted if Atty. Divina becomes Governor. We likewise cannot rely on Atty. Clemente’s statements in her Compliance dated April 27, 2023 to support the allegation that Atty. Divina indeed had any intentions to run as Governor for IBP-Central Luzon.

We quote the statement of Atty. Clemente:

15. By and large and in hindsight, the dynamics within IBP CL in the last couple of years or even more, leads one to think that every step taken is geared toward the election of Dean Divina as Governor. His choice of membership to Tarlac is a clear indication as it will be Tarlac’s turn for Governor this term. That Gov. Paul “grabbed” the governorship supports a theory that they are paving the way of Divina’s entry in the region.

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From Atty. Clemente's narration, they appear to be merely conjectures and surmises revolving around a supposed plot within the IBP-Central Luzon Region to allow Atty. Divina to seize the Governor position.

This Court cannot sustain its ruling merely on inferences and unconfirmed theories alone.

Second, the acts adverted to in the Anonymous Letter committed by Atty. Divina was done during the Summer of 2022, December of 2022 and last February 2023, months prior to the scheduled May 5, 2023 IBP-Central Luzon elections. During this time, the members of the House of Delegates – who may nominate and elect the Governor for each Region, have yet to be elected by the local chapters.

Under Section 39 of the Revised IBP By-Laws, the Delegates from each Region shall elect the Governor for their Region. Relatedly, Section 31 states that the membership of the House of Delegates shall consist of all the Chapter Presidents, and in the case of Chapters entitled to more than one Delegate each, the Vice-Presidents of the Chapters and such additional Delegates as the Chapters are entitled to.

Hence with respect to the members of the House of Delegates who may nominate and elect Atty. Divina as Governor for the term 2023-2025, they have yet to be elected during the time that Atty. Divina performed the acts complained of.

Third, the Court finds it tenuous to draw parallelisms with the 1989 IBP National Elections and the present controversy.

In *Re: 1989 Elections of the IBP*, the candidates for IBP President had announced their candidacies when they perpetrated the prohibited activities. On the other hand, there is no indication that Atty. Divina has or had intention to run for Governor of IBP-Central Luzon when he sponsored the trips of the Regional officers. In fact, the lack of intention to run for the said position was re-affirmed in his Compliance filed before the Court.

Moreover, in *Re: 1989 Elections of the IBP*, the acts committed by the candidates were found to clearly influence the members of the House of Delegates relative to the election of IBP President. In the present case, according to the participants of the trips sponsored by Atty. Divina, they were team-building activities designed to strengthen the IBP-Central Luzon office.

This was even echoed by Atty. Clemente, that the trip to Balesin Island Club was a “regional team-building activity” and that “to say now that such trip was meant to build patronage for Dean Divina is to undermine the team-building purpose of the activity.”

Given the foregoing, We find that the acts complained of against Atty. Divina in sponsoring the trips of the IBP-Central Luzon officers do not amount to a violation of Section 14 of the Revised IBP By-Laws.

Nevertheless, We find Atty. Divina Guilty of Simple Misconduct in Violation of Canon II, Sections 1 and 2 of the CPRA

Although We find that Atty. Divina did not commit any prohibited acts and practices relative to elections in the IBP, We nevertheless find him guilty of violating Canon II, Sections 1 and 2 of the CPRA.

The relevant provisions read:

CANON II
PROPRIETY

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the profession consistent with the high standards of ethical behavior.

SECTION 1. Proper conduct. – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

SECTION 2. Dignified conduct. – A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

A lawyer shall not engage in conduct that adversely reflects on one’s fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession.

As an officer of the Court, a lawyer shall uphold the Constitution, obey the laws of the land, and promote respect for law and legal processes.⁸⁴ As instruments for the administration of justice and vanguards of our legal system, lawyers are expected to maintain not only legal proficiency, but also a high

⁸⁴ *Lim v. Atty. Bautista*, A.C. No. 13468, February 21, 2023 [*Per Curiam, En Banc*]. See also *Asuncion v. Atty. Salvado*, A.C. No. 13242, July 5, 2022 [*Per Curiam, En Banc*].

standard of morality, honesty, integrity and fair dealing so that people's faith and confidence in the judicial system is ensured.⁸⁵

Much is expected of lawyers in that it does not suffice that they are persons of integrity and values but must also appear to be so in the eyes of the people.⁸⁶

As introduced by the CPRA, "[a] lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the profession consistent with the high standards of ethical behavior."

Amongst the offenses punished by the CPRA is misconduct. Misconduct is defined as a transgression of some established and definite rule of action.⁸⁷ More particularly, "Simple Misconduct," is defined as misconduct without the manifest elements of corruption, clear intent to violate the law or flagrant disregard of established rules.⁸⁸

The Court is now faced with the difficult task of calibrating the guidelines to determine what constitutes misconduct in light of the peculiar facts of the case. Where does the Court draw the line between reasonable and acceptable generosity and excessive largesse? When is altruism a mere expression of gratitude and when does it teeter dangerously close to influence peddling?

As aptly pointed out by Senior Associate Justice Marvic M.V.F. Leonen, our laws regulating the conduct of public officers provide for the general rule that public officers and employees are prohibited from receiving gifts.⁸⁹

Section 3 of Republic Act No. 3019 penalizes public officers for accepting or receiving of any gift, present, share, percentage or benefit:

⁸⁵ *A-1 Financial Services, Inc. v. Valerio*, 636 Phil. 627, 631 (2010) [Per J. Peralta, *En Banc*].

⁸⁶ *Re: Anonymous Complaint against Untian*, 851 Phil. 352, 365 (2019) Per J. Reyes, Jr., *En Banc*.

⁸⁷ *Domingo v. Civil Service Commission*, 874 Phil. 587, 602 (2020) [Per J. Lazaro-Javier, First Division]; *Imperial, Jr. v. Government Service Insurance System*, 674 Phil. 286, 298 (2011) [Per J. Brion, *En Banc*]; *Civil Service Commission v. Ledesma*, 508 Phil. 569, 579-580 (2005) [Per J. Carpio, *En Banc*].

⁸⁸ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 34.

⁸⁹ Section 7(d) of Republic Act No. 6713, states:

Section 7. *Prohibited Acts and Transactions*: — In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

....

(d) Solicitation or acceptance of gifts. — Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

Section 3. Corrupt practices of public officers. — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

....

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law.

(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Section thirteen of this Act.

(d) Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the tendency thereof or within one year after its termination.

Under Republic Act No. 3019, “[r]eceiving any gift” includes the act of accepting directly or indirectly a gift from a person other than a member of the public officer’s immediate family, on behalf of himself or of any member of his family or relative within the fourth civil degree, either by consanguinity or affinity, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is under the circumstances manifestly excessive.

Meanwhile, Republic Act No. 6713, otherwise known as Code of Conduct and Ethical Standards for Public Officials and Employees defines a “gift” as a thing or a right to dispose of gratuitously, or any act or liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof. Likewise, “Receiving any gift” includes the act of accepting directly or indirectly, a gift from a person other than a member of his family or relative as defined in this Act.

The foregoing rule indeed admits of certain exceptions, if the gift involved is unsolicited, of nominal or insignificant value, and it is not given in anticipation of, or in exchange for, a favor from the recipient.

The prohibition against soliciting and accepting gifts extends even if the same was not in exchange for the performance of an act or favor. The policy behind it is to avoid a situation wherein the recipient may feel compelled to

return the favor or that he owes a debt of gratitude or “utang na loob” to the giver. In *In re: Query of Executive Judge Estrella Estrada*⁹⁰ this Court characterized “*utang na loob*” as gratitude which renders a man beholden to another, a sense of obligation which is valued as highly as pride and honor.

Notably, however, in *Tabuzo*, this Court clarified that officers of the IBP, although they perform public functions, are not considered public officers in the context of Section 3(b)⁹¹ of Republic Act No. 6713, Article 203 the Revised Penal Code,⁹² Section 4(e)⁹³ Republic Act No. 9485,⁹⁴ or even Section 2(b) of Republic Act No. 3019.

This does not mean, however, that IBP Officers have an unbridled freedom to solicit, accept, or receive gifts. The Court may discipline lawyers for the act of giving and receiving gifts if the context and situation in which it is made constitutes improper conduct. The Court’s ruling in *Tabuzo* simply means that IBP Officers are not public officers for purposes of prosecution under the relevant laws. Nevertheless, the Court may draw parallelism from these laws in viewing what constitutes improper conduct for purposes of imposing administrative liability.

To repeat, the IBP as a public institution performs functions which involve not only fostering the standards of legal profession but the administration of justice. In addition, the IBP exercises authority delegated by this Court in disciplinary proceedings of the members of the legal profession. Thus, its officers—whether in the National, Regional, or Local Chapters should be held to a higher degree of standard and should, as much as possible, avoid involvement in activities that may erode the integrity and independence of the IBP as a public institution, and to ensure and maintain the appearance of impartiality in the performance of its functions.

Thus, if an individual is willing to contribute, donate, or volunteer to further the efforts of the IBP, it must be tempered by the nature and purpose of the activity. The support should be in furtherance of the goals and objectives of the IBP and for the direct benefit of its members and should not solely be for the interest, use, and enjoyment of its officers.

⁹⁰ 239 Phil. 1 (1987) [Per J. Gutierrez, *En Banc*]

⁹¹ “Public Officials” includes elective and appointive officials and employees, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount.

⁹² A public officer is defined in the Revised Penal Code as “any person who, by direct provision of the law, popular election, or appointment by competent authority, shall take part in the performance of public functions in the Government of the Philippine Islands, or shall perform in said Government or in any of its branches public duties as an employee, agent, or subordinate official, of any rank or class. . .”

⁹³ “Officer or Employee” refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.

⁹⁴ Anti-Red Tape Act of 2007, June 2, 2007.

In the present case, Atty. Divina does not deny that he sponsored the trips of the IBP-Central Luzon Officers to Balesin Island Club and Bali, Indonesia. These “gifts” are undoubtedly not of insignificant or nominal value. Atty. Divina characterizes these as acts of generosity to support the IBP and its role in the legal profession. Atty. Divina may claim that these do not come with strings attached, but this “gift” necessarily creates a sense of obligation on the recipient to repay his gratitude in the future.

Notably however, these activities sponsored by Atty. Divina were primarily and solely for the benefit of the officers of IBP-Central Luzon. It does not support a particular activity of the IBP for the benefit of its constituent members, nor does it further a purpose or objective of the IBP.

Although Atty. Divina claims his intentions in supporting the IBP and its activities are out of generosity; the sponsorship of the trips of the IBP-Central Luzon Officers to Balesin Island Club and to Bali, Indonesia crossed the borders on excessive and overstepped the line of propriety.

This Court cannot countenance his actions as it casts serious doubts as to the IBP’s integrity, impartiality, and independence. In his dealings with the IBP, the Court deems Atty. Divina’s conduct fell below the exacting standards of conduct expected of a member of the legal profession. Thus, the Court finds Atty. Divina guilty of Simple Misconduct in violation of Canon II, Sections 1 and 2 of the CPRA.

As to the appropriate penalty, Canon VI, Section 34 of the CPRA characterizes Simple Misconduct as a less serious offense with the imposable penalty of: (a) suspension from the practice of law for a period within the range of one month to six months or revocation of notarial commission and disqualification as notary public for less than two years; (b) or a fine within the range of PHP 35,000.00 to PHP 100,000.00. Considering the serious nature of Atty. Divina’s violation, the Court finds it appropriate to impose the fine of PHP 100,000.00.

With respect to the IBP Officers who received the gifts while occupying their position: (1) Atty. Maglalang, as Governor of IBP-Central Luzon (2021-2023); (2) Atty. Ginez as President of IBP-Zambales Chapter (2021-2023); (3) Atty. Clemente as Auditor of IBP-Tarlac Chapter (2021-2023), the Court likewise finds them guilty of simple misconduct and impose upon each of them a fine of PHP 100,000.00. Their cavalier acceptance of the “gifts” extended to them while being officers of the IBP cast serious doubt on their independence, integrity, and impartiality as well as that of the IBP, as an institution.

Finally, with respect to Attys. Molo, Dela Cruz, Jr., and Dela Rama, the Court likewise finds them guilty of simple misconduct and impose upon each of them a fine of PHP 100,000.00. The Court observes that the receipt of these gifts – which are nothing short of exorbitant reflects on their ability to act with propriety and maintain the appearance of propriety in personal and professional dealings. Prudence dictates that such ostentatious gifts would make them beholden to the giver and this feeling of owed gratitude may cloud their judgment in the future.

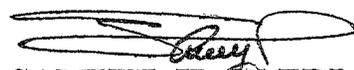
The Court recognizes the invaluable and immeasurable contribution that the IBP lends to the Philippine legal community. It is for this reason that the Court is constrained to intervene to preserve and maintain the IBP's integrity, impartiality, and independence as an institution. The instant case serves not to dissuade the members of the IBP but to encourage them to take active participation in its activities tempered with propriety and dignified conduct.

ACCORDINGLY, the Court finds Atty. Nilo T. Divina **GUILTY** of Simple Misconduct in violation of Canon II, Section 1 and Section 2 of the Code of Professional Responsibility and Accountability and is hereby **FINED** PHP 100,000.00 with a **STERN WARNING** that a repetition of the same or similar offense will be dealt with more severely.

The Court likewise finds Attys. Peter Paul S. Maglalang, Winston M. Ginez, Jocelyn "Jo" M. Clemente, Jade Paulo T. Molo, Enrique V. Dela Cruz, Jr., and Jose I. Dela Rama, Jr., **GUILTY** of simple misconduct in violation of Canon II, Section 1 and Section 2 of the Code of Professional Responsibility and Accountability and are hereby **FINED** PHP 100,000.00 each with a **STERN WARNING** that a repetition of the same or similar offense will be dealt with more severely.

The Court's Resolution dated April 25, 2023 holding in abeyance the election of officers for the Integrated Bar of the Philippine – Central Luzon is hereby lifted. Accordingly, the Integrated Bar of the Philippine – Central Luzon is hereby **ORDERED** to proceed with the election of its Governor for the 2023-2025 term.

SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:

[Signature]
ALEXANDER G. GESMUNDO
Chief Justice

9 concur. al separate opinion

[Signature]
MARVIC M.V.F. LEONEN
Associate Justice

[Signature]
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

See Dissenting Opinion

[Signature]
RAMON PAUL L. HERNANDO
Associate Justice

See Dissent

[Signature]
AMY C. LAZARO-JAVIER
Associate Justice

[Signature]
HENRI JEAN PAUL B. INTING
Associate Justice

[Signature]
RODIL V. ZALAMEDA
Associate Justice

[Signature]
MARIO V. LOPEZ
Associate Justice

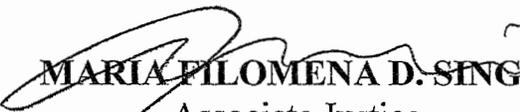
[Signature]
RICARDO R. ROSARIO
Associate Justice

[Signature] *dissenting*
JHOSEP V. LOPEZ
Associate Justice

[Signature]
JAPAR B. DIMAAMPAO
Associate Justice

[Signature]
JOSE MIDAS P. MARQUEZ
Associate Justice

[Signature]
ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice