



Republic of the Philippines  
Supreme Court  
Manila

**A.M. No. 22-09-01-SC**

**PROPOSED CODE OF  
PROFESSIONAL RESPONSIBILITY  
AND ACCOUNTABILITY**



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AND ACCOUNTABILITY**

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## PREAMBLE

Ethics is the experiential manifestation of moral standards. The observance of these standards of conduct is both a function of personal choice and formal compulsion. A lawyer is ideally ethical by personal choice. A code of ethics expressly adopted represents society's consensus and dictate to conform to a chosen norm of behavior that sustains the community's survival and growth. Non-compliance merits sanctions.

The Code of Professional Responsibility and Accountability, as an institutional imperative, is meant to foster an environment where ethical conduct performs a dedicated role in the administration of justice. In particular, the standards embodied in the Code of Professional Responsibility and Accountability uniquely address the characteristics of the Filipino lawyer as an amalgamation of influences and moorings, i.e., familial, cultural, religious, academic, political, and philosophical. Inherently a social being, the Filipino lawyer inevitably develops and cultivates relations, preferences and biases. The conscious adoption of ethical standards that accounts for such relationships and personal choices balanced against the demands of right and justice is envisioned to govern and regulate these personal choices and make them consistent with the institutional objectives.

The existence of a free and an independent society depends upon the recognition of the concept that justice is based on the rule of law.

As a guardian of the rule of law, every lawyer, as a citizen, owes allegiance to the Constitution and the laws of the land; as a member of the legal profession, is bound by its ethical standards in both private and professional matters;

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as an officer of the court, assists in the administration of justice; and as a client's representative, acts responsibly upon a fiduciary trust.

An ethical lawyer is a lawyer possessed of integrity. Integrity is the sum total of all the ethical values that every lawyer must embody and exhibit. A lawyer with integrity, therefore, acts with independence, propriety, fidelity, competence and diligence, equality and accountability. (n)

## CANON I INDEPENDENCE

The independence of a lawyer in the discharge of professional duties without any improper influence, restriction, pressure or interference, direct or indirect, ensures effective legal representation and is ultimately imperative for the rule of law. (n)

**SECTION 1. *Independent, accessible, efficient and effective legal service.*** – A lawyer shall make legal services accessible in an efficient and effective manner. In performing this duty, the lawyer shall maintain independence, act with integrity, and at all times ensure the efficient and effective delivery of justice. (2a)<sup>1</sup>

**SECTION 2. *Merit-based practice.*** – A lawyer shall rely solely on the merits of a cause and not exert, or give the appearance of, any influence on,

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<sup>1</sup> CANON 2 - A LAWYER SHALL MAKE HIS LEGAL SERVICES AVAILABLE IN AN EFFICIENT AND CONVENIENT MANNER COMPATIBLE WITH THE INDEPENDENCE, INTEGRITY AND EFFECTIVENESS OF THE PROFESSION.

**nor undermine the authority of the court, tribunal or other government agency, or its proceedings.** (13a)<sup>2</sup>

**SECTION 3. *Freedom from improper considerations and external influences.*** – **A lawyer shall not, in advocating a client’s cause, be influenced by dishonest or immoral considerations, external influences or pressure.** (n)

**SECTION 4. *Non-interference by a lawyer.*** – **Unless authorized by law or a court, a** lawyer shall not **assist or cause** a branch, agency, **office or officer** of the government **to interfere in any matter before any court, tribunal, or other government agency.** (13.03a)<sup>3</sup>

**SECTION 5. *Lawyer’s duty and discretion in procedure and strategy.*** – A lawyer shall not allow **the** client to dictate **or determine** the procedure **and strategy** in handling the case. (19.03a)<sup>4</sup>

**Nevertheless, the lawyer shall respect the client’s decision to settle or compromise the case after explaining its consequences to the client.** (n)

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<sup>2</sup> CANON 13 - A LAWYER SHALL RELY UPON THE MERITS OF HIS CAUSE AND REFRAIN FROM ANY IMPROPRIETY WHICH TENDS TO INFLUENCE, OR GIVES THE APPEARANCE OF INFLUENCING THE COURT.

<sup>3</sup> Rule 13.03 - A lawyer shall not brook or invite interference by another branch or agency of the government in the normal course of judicial proceedings.

<sup>4</sup> Rule 19.03 - A lawyer shall not allow his client to dictate the procedure in handling the case.

**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. (n)**

**SECTION 1. *Proper conduct.*** – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. (1.01)<sup>5</sup>

**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.** (8a)<sup>6</sup>

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. (7.03a)<sup>7</sup>

**SECTION 3. *Safe environment; avoid all forms of abuse or harassment.*** – A lawyer shall **not create or promote an unsafe environment, both**

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<sup>5</sup> Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

<sup>6</sup> CANON 8 - A LAWYER SHALL CONDUCT HIMSELF WITH COURTESY, FAIRNESS AND CANDOR TOWARDS HIS PROFESSIONAL COLLEAGUES, AND SHALL AVOID HARASSING TACTICS AGAINST OPPOSING COUNSEL.

<sup>7</sup> Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

**in private and public settings, whether online, in workplaces, educational or training institutions, or in recreational areas.**<sup>8</sup>

**To this end, a lawyer shall not commit any form of physical, sexual, psychological, or economic abuse or violence against another person.**<sup>9</sup> **A lawyer is also prohibited from engaging in any gender-based harassment or discrimination.**<sup>10</sup> (n)

**SECTION 4. *Use of dignified, gender-fair, and child- and culturally-sensitive language.*** – A lawyer **shall use only dignified, gender-fair, child- and culturally-sensitive language in all personal and professional dealings.**

To this end, a lawyer shall not use language which is abusive, **intemperate**, offensive or otherwise improper, **whether oral or written, made through mass media, whether traditional or electronic, including mainstream, alternative, and social media.** (8.01a,<sup>11</sup> 11.03a)<sup>12</sup>

**SECTION 5. *Observance of fairness and obedience.*** – A lawyer shall, **in every personal and professional engagement, insist on the observance**

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<sup>8</sup> Based on Sec. 2 of the Safe Spaces Act, Republic Act No. 11313; xxx The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.

<sup>9</sup> Based on RA 9262.

<sup>10</sup> Based on Sec. 32 (11), Canon VI.

<sup>11</sup> Rule 8.01 - A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

<sup>12</sup> Rule 11.03 - A lawyer shall abstain from scandalous, offensive or menacing language or behavior before the Courts.

of the principles of fairness and obedience to the law. (15.07a)<sup>13</sup>

**SECTION 6. *Harassing or threatening conduct.***

– A lawyer shall not harass or threaten a fellow lawyer, the latter’s client or principal, a witness, or any official or employee of a court, tribunal, or other government agency. (n)

**SECTION 7. *Formal decorum and appearance.***

– A lawyer shall observe formal decorum and appearance before all courts, tribunals, and other government agencies. (11.01a)<sup>14</sup>

**SECTION 8. *Prohibition against misleading the court, tribunal, or other government agency.***

– A lawyer shall not misquote, misrepresent, or mislead the court as to the existence or the contents of any document, argument, evidence, law, or other legal authority, or pass off as one’s own the ideas or words of another, or assert as a fact that which has not been proven. (10.02a)<sup>15</sup>

**SECTION 9. *Obstructing access to evidence or altering, destroying, or concealing evidence.*** – A lawyer shall not obstruct another lawyer’s access to evidence, including testimonial evidence, or alter, destroy, or conceal evidence. (n)

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<sup>13</sup> Rule 15.07 - A lawyer shall impress upon his client compliance with the laws and the principles of fairness. *See also* Rule 1.02 - A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

<sup>14</sup> Rule 11.01 - A lawyer shall appear in court properly attired.

<sup>15</sup> 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 text 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.



**SECTION 10. *Conduct in the presentation of a witness.*** – A lawyer shall **avoid all forms of impropriety when presenting or confronting a witness.** (12.05a)<sup>16</sup>

A lawyer shall not **coach**, abuse, **discriminate against**, or harass **any** witness, **in or out of the court, tribunal, or other government agency.** **Neither shall a lawyer direct, assist, or abet any misrepresentation or falsehood by a witness.** (12.07a,<sup>17</sup> 12.06a)<sup>18</sup>

**SECTION 11. *False representations or statements; duty to correct.*** – **A lawyer shall not make false representations or statements.**<sup>19</sup> **A lawyer shall be liable for any material damage caused by such false representations or statements.**

**A lawyer shall not, in demand letters or other similar correspondence, make false representations or statements, or impute civil, criminal, or administrative liability, without factual or legal basis.**

**A lawyer shall correct false or inaccurate statements and information made in relation to an application for admission to the bar, any pleading, or any other document as soon as its falsity or**

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<sup>16</sup> Rule 12.05 - A lawyer shall refrain from talking to his witness during a break or recess in the trial, while the witness is still under examination.

<sup>17</sup> Rule 12.07 - A lawyer shall not abuse, browbeat or harass a witness nor needlessly inconvenience him.

<sup>18</sup> Rule 12.06 - A lawyer shall not knowingly assist a witness to misrepresent himself or to impersonate another.

<sup>19</sup> *But see* Rule 7.01 - A lawyer shall be answerable for knowingly making a false statement or suppressing a material fact in connection with his application for admission to the bar.

Rule 7.02 - A lawyer shall not support the application for admission to the bar of any person known by him to be unqualified in respect to character, education, or other relevant attribute.

inaccuracy is discovered or made known to him or her. (n)

**SECTION 12. *Duty to report dishonest, deceitful or misleading conduct.*** – A lawyer shall immediately report any dishonest, deceitful or misleading conduct in relation to any court, tribunal, or proceeding, to the affected court or tribunal, or to other proper authorities.

Any such report shall be treated with strict confidentiality.

A baseless report shall be subject to civil, criminal or administrative action. (n)

**SECTION 13. *Imputation of misconduct, impropriety, or crime without basis.*** – A lawyer shall not, directly or indirectly, impute to or accuse another lawyer of a misconduct, impropriety or a crime, in the absence of factual or legal basis.

Neither shall a lawyer, directly or indirectly, file or cause to be filed, or assist in the filing of frivolous or baseless administrative, civil or criminal complaints against another lawyer. (n)

**SECTION 14. *Remedy for grievances; insinuation of improper motive.*** – A lawyer shall submit grievances against any officer of a court, tribunal, or other government agency only through the appropriate remedy and before the proper authorities. (11.04a,<sup>20</sup> 11.05a)<sup>21</sup>

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<sup>20</sup> Rule 11.04 - A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

<sup>21</sup> Rule 11.05 - A lawyer shall submit grievances against a Judge to the proper authorities only.

Statements insinuating improper motive on the part of any such officer, which are not supported by substantial evidence, shall be ground for disciplinary action. (n)

**SECTION 15. *Improper claim of influence or familiarity.*** – A lawyer shall observe propriety in all dealings with officers and personnel of any court, tribunal, or other government agency, whether personal or professional. Familiarity with such officers and personnel that will give rise to an appearance of impropriety, influence or favor shall be avoided. (13.01a)<sup>22</sup>

A lawyer shall not make claims of power, influence, or relationship with any officer of a court, tribunal, or other government agency. (n)

**SECTION 16. *Duty to report life-threatening situations.*** – A lawyer who has reasonable ground to believe that a life-threatening situation is likely to develop in relation to any proceeding in any court, tribunal, or other government agency shall immediately report the same to the proper authorities. (n)

**SECTION 17. *Non-solicitation and impermissible advertisement.*** – A lawyer shall not, directly or indirectly, solicit, or appear to solicit, legal business. (2.03a)<sup>23</sup>

A lawyer shall not, directly or indirectly, advertise legal services on any platform or media

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<sup>22</sup> Rule 13.01 - A lawyer shall not extend extraordinary attention or hospitality to, nor seek opportunity for cultivating familiarity with Judges.

<sup>23</sup> Rule 2.03 - A lawyer shall not do or permit to be done any act designed primarily to solicit legal business.

except with the use of dignified, verifiable, and factual information, including biographical data, contact details, fields of practice, services offered, and the like, so as to allow a potential client to make an informed choice. In no case shall the permissible advertisement be self-laudatory. (n)<sup>24</sup>

A lawyer, law firm, or any of their representatives shall not pay or give any benefit or consideration to any media practitioner or personality in anticipation of, or in return for, publicity, in mass media, whether traditional or electronic, including mainstream, alternative, and social media, to attract legal representation, service or retainership. (3.04a)<sup>25</sup>

**SECTION 18. *Sub-judice rule.*** – A lawyer shall not use any forum or medium to comment or publicize opinion pertaining to a pending proceeding before any court, tribunal, or other government agency that may:

- (a) cause a pre-judgment, or
- (b) sway public perception so as to impede, obstruct, or influence the decision of such court, tribunal, or other government agency, or which tends to tarnish the court's or tribunal's integrity, or
- (c) impute improper motives against any of its members, or

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<sup>24</sup> See also Rule 3.01 - A lawyer shall not use or permit the use of any false, fraudulent, misleading, deceptive, undignified, self-laudatory or unfair statement or claim regarding his qualifications or legal services.

<sup>25</sup> Rule 3.04 - A lawyer shall not pay or give anything of value to representatives of the mass media in anticipation of, or in return for, publicity to attract legal business.

- (d) commit any act that would create a widespread perception of guilt or innocence before a final decision is rendered. (13.02a)<sup>26</sup>

**SECTION 19. *Prohibition against self-promotion.*** – A lawyer shall not make public appearances and statements on behalf of the client for the purpose of self-promotion, self-aggrandizement, or to seek public sympathy. (n)

**SECTION 20. *Disclosure of relationship or connection.*** – A lawyer shall, at the first available opportunity, formally disclose on record the lawyer’s relationship or connection with the presiding officer of any court, tribunal, or other government agency, or any of its personnel, or the lawyer’s partners, associates, or clients, that may serve as a ground for mandatory or voluntary inhibition in any pending proceeding before such court, tribunal, or other government agency. (n)

**SECTION 21. *Prohibition against gift-giving and donations.*** – A lawyer shall not directly or indirectly give gifts, donations, contributions of any value or sort, on any occasion, to any court, tribunal or government agency, or any of its officers and personnel. (n)

**SECTION 22. *No undue advantage of ignorance of the law.*** – A lawyer shall not take advantage of a non-lawyer’s lack of education or knowledge of the law. (n)

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<sup>26</sup> Rule 13.02. – A lawyer shall not make public statements in the media regarding a pending case tending to arouse public opinion for or against a party.

**SECTION 23. *Instituting multiple cases; forum shopping.*** – A lawyer shall not **knowingly engage in forum shopping, which offends against the administration of justice, and is a falsehood foisted upon the court, tribunal, or other government agency.** (12.02a)<sup>27</sup>

**A lawyer shall not institute multiple cases to gain leverage in a case, to harass a party, to delay the proceedings, or to increase the cost of litigation.** (n)

**SECTION 24. *Encroaching or interfering in another lawyer’s engagement; exception.*** – A lawyer shall not, directly or indirectly, encroach upon **or interfere in** the professional **engagement** of another lawyer.

This includes a lawyer’s **attempt to communicate, negotiate or deal with the person represented by another lawyer on any matter, whether pending or not in any court, tribunal, body, or agency, except when initiated by the client or with the knowledge of the original lawyer.**

A lawyer, however, may give proper advice and assistance to **anyone** seeking relief against **perceived** unfaithful or neglectful counsel **based on the Code.** (8.02a)<sup>28</sup>

**If a person is represented by counsel in respect of a matter, whether pending or not in any court, tribunal, body, or agency, a lawyer must not attempt**

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<sup>27</sup> Rule 12.02 - A lawyer shall not file multiple actions arising from the same cause.

<sup>28</sup> Rule 8.02 - A lawyer shall not, directly or indirectly, encroach upon the professional employment of another lawyer, however, it is the right of any lawyer, without fear or favor, to give proper advice and assistance to those seeking relief against unfaithful or neglectful counsel.

**to communicate, or deal with the person on the matter, or attempt to negotiate or compromise directly or indirectly with the person.** (n)

**SECTION 25. *Responsibility of a solo practitioner.*** – **A lawyer in solo practice shall ensure that all matters requiring his or her professional skill and judgment are promptly and competently addressed.** (n)

**SECTION 26. *Definition of a law firm; choice of firm name.*** – **A law firm is any private office, partnership, or association, exclusively comprised of a lawyer or lawyers engaged to practice law, and who hold themselves out as such to the public.**

In the choice of a firm name, no false, misleading or assumed name shall be used. The continued use of the name of a deceased, incapacitated, or retired partner is permissible provided that the firm indicates in all its communications that said partner is deceased, **incapacitated, or retired.** (3.02a)<sup>29</sup>

**SECTION 27. *Partner who assumes public office.*** – Where a partner **assumes** public office, **such partner**'s name shall be removed from the firm name.

Such partner shall withdraw from the firm, unless allowed by law to practice law concurrently. (3.03a)<sup>30</sup>

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<sup>29</sup> Rule 3.02 - In the choice of a firm name, no false, misleading or assumed name shall be used. The continued use of the name of a deceased partner is permissible provided that the firm indicates in all its communications that said partner is deceased.

<sup>30</sup> Rule 3.03 - Where a partner accepts public office, he shall withdrawal from the firm and his name shall be dropped from the firm name unless the law allows him to practice law currently.

**SECTION 28. *Dignified government service.***  
– Lawyers in government service shall observe the standard of conduct under this Code, the Code of Conduct and Ethical Standards for Public Officials and Employees, and other related laws and issuances in the performance of their duties.

Any violation of the Code by lawyers in government service shall be subject to disciplinary action, separate and distinct from liability under pertinent laws or rules. (6a)<sup>31</sup>

**SECTION 29. *No financial interest in transactions; no gifts.*** – A lawyer in government shall not, directly or indirectly, have financial interest in any transaction requiring the approval of his or her office. Neither shall such lawyer solicit gifts or receive anything of value in relation to any matter pending in such office. (n)

**SECTION 30. *Lawyers formerly in government service.*** – A lawyer who has left government service shall not engage in private practice pertaining to any matter before the office where he or she used to be connected within a period of one (1) year from his or her separation from such office. Such lawyer shall not appear before any court, tribunal, or other government agency within the territorial jurisdiction or station where he or she previously served. (n)

After leaving government service, a lawyer shall not accept an engagement to use knowledge or information acquired during such service or to

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<sup>31</sup> CANON 6 - THESE CANONS SHALL APPLY TO LAWYERS IN GOVERNMENT SERVICES IN THE DISCHARGE OF THEIR TASKS.



otherwise influence the outcome of the proceedings which the lawyer handled or intervened in, or over which the lawyer previously exercised authority, while in said service. (6.03a)<sup>32</sup>

**SECTION 31. *No financial interest in transactions; no gifts.* – A lawyer in government shall not, directly or indirectly, promote or advance his or her private or financial interest or that of another, in any transaction requiring the approval of his or her office. Neither shall such lawyer solicit gifts or receive anything of value in relation to such interest.** (6.02a)<sup>33</sup>

Such lawyer in government shall not give anything of value to, or otherwise unduly favor, any person transacting with his or her office, with the expectation of any benefit in return. (n)

**SECTION 32. *Prosecution of criminal cases.***  
– The primary duty of a public prosecutor is not to convict but to see that justice is done.

Suppressing facts, concealing of or tampering with evidence, coaching a witness, or offering false testimony is cause for disciplinary action.

The obligations of a public prosecutor shall also be imposed upon lawyers in private practice who are authorized to prosecute under the direct

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<sup>32</sup> Rule 6.03 - A lawyer shall not, after leaving government service, accept engagement or employment in connection with any matter in which he had intervened while in said service.

<sup>33</sup> Rule 6.02 - A lawyer in the government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.

supervision and control of the public prosecutor.  
(6.01a)<sup>34</sup>

**SECTION 33. *Private practice by lawyers in the judiciary; exception.*** – No member of the judiciary, or any of its officials or employees shall engage in the private practice of law during their incumbency, except where allowed by law, or by the Supreme Court. (R138.35)<sup>35</sup>

**SECTION 34. *Lawyers in the academe.*** – A lawyer serving as a dean, administrative officer, or faculty member of a legal educational institution shall at all times adhere to the standards of behavior required of members of the legal profession under this Code, observing propriety, respectability, and decorum inside and outside the classroom, and in all media. (n)

**SECTION 35. *Lawyers in the academe; conflict of interest.*** – A lawyer serving as a dean, administrative officer, or faculty member of a legal educational institution shall disclose to the institution any adverse interest of a client.

Any adverse interest of the lawyer's client affecting any student who is under his or her direct supervision and guidance which subsequently comes

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<sup>34</sup> Rule 6.01 - The primary duty of a lawyer engaged in public prosecution is not to convict but to see that justice is done. The suppression of facts or the concealment of witnesses capable of establishing the innocence of the accused is highly reprehensible and is cause for disciplinary action.

<sup>35</sup> RULES OF COURT, rule 138, sec. 35. *Certain attorneys not to practice.* – No judge or other official or employee of the superior courts or of the Office of the Solicitor General, shall engage in private practice as a member of the bar or give professional advice to clients.

to the knowledge of the lawyer shall likewise be disclosed to the institution upon discovery. (n)

**SECTION 36. *Paralegal services; lawyer's responsibility.*** – A paralegal is one who performs tasks that require familiarity with legal concepts, employed or retained by a lawyer, law office, corporation, governmental agency or other entity for non-diagnostic and non-advisory work in relation to legal matters delegated by such lawyer, law office, corporation, governmental agency or other entity.

A lawyer must direct or supervise a paralegal in the performance of the latter's delegated duties.

The lawyer's duty of confidentiality shall also extend to the services rendered by the paralegal, who is equally bound to keep the privilege. (n)

**SECTION 37. *Non-delegable legal tasks.*** – A lawyer shall not delegate to or permit a non-lawyer, including a paralegal, to:

- (a) accept cases on behalf of the lawyer;
- (b) give legal advice or opinion;
- (c) act independently without the lawyer's supervision or direction;
- (d) to hold himself or herself out as a lawyer, or be named in association with a lawyer in any pleading or submission to any court, tribunal, or other government agency;
- (e) appear in any court, tribunal, or other government agency, or actively participate in formal legal proceedings on behalf of a client, without a lawyer's supervision or direction;

- (f) conduct negotiations with third parties unless allowed in administrative agencies, without a lawyer's supervision or direction;
- (g) sign correspondence containing a legal opinion;
- (h) perform any of the duties that only lawyers may undertake. (9.01a)<sup>36</sup>

These provisions shall not apply to law student practitioners under Rule 138-A of the Rules of Court. (n)

#### RESPONSIBLE USE OF SOCIAL MEDIA

A lawyer shall uphold the dignity of the legal profession in all social media interactions in a manner that enhances the people's confidence in the legal system, as well as promote its responsible use. (n)

**SECTION 38. *Responsible use.*** – A lawyer shall have the duty to understand the benefits, risks and ethical implications associated with the use of social media. (n)

**SECTION 39. *Online posts.*** – A lawyer shall ensure that his or her online posts uphold the dignity of the legal profession and shield it from disrepute, as well as maintain respect for the law. (n)

**SECTION 40. *Non-posting of false or unverified statements, disinformation.*** – A lawyer shall not post, share, upload or otherwise disseminate false

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<sup>36</sup> Rule 9.01 - A lawyer shall not delegate to any unqualified person the performance of any task which by law may only be performed by a member of the bar in good standing.

or unverified statements, claims, or commit any other act of disinformation. (n)

**SECTION 41. *Prohibition against fraudulent accounts.*** – A lawyer shall not create, maintain or operate accounts in social media for the purpose of hiding his or her identity to circumvent the law or the provisions of this Code. (n)

**SECTION 42. *Non-disclosure of privileged information through online posts.*** – A lawyer shall not reveal, directly or indirectly, in his or her online posts confidential information obtained from a client or in the course of, or emanating from, the representation, except when allowed by law or this Code. (n)

**SECTION 43. *Duty to safeguard client confidences in social media.*** – A lawyer, who uses a social media account to communicate with any other person in relation to client confidences and information, shall exert efforts to prevent the inadvertent or unauthorized disclosure or use of, or unauthorized access to, such an account. (n)

**SECTION 44. *Prohibition against influence through social media.*** – A lawyer shall not communicate with an officer of any court, tribunal, or other government agency through social media to influence the latter's performance of official duties. (n)

**SECTION 45. *Legal information; legal advice.***  
– Pursuant to a lawyer's duty to society and the legal profession, a lawyer may provide general legal information, including the answer to questions asked, at any fora, as well as social media.

**A lawyer who gives legal advice on a specific set of facts as disclosed by any person in such fora or media creates a lawyer-client relationship and shall be bound by all the duties in this Code.**<sup>37</sup>

**SECTION 46. *Online posts that could violate conflict of interest.* – A lawyer shall exercise prudence in making posts or comments in social media that could violate the provisions on conflict of interest under this Code. (n)**

### **CANON III** **FIDELITY**

Fidelity pertains to a lawyer's duty to uphold the Constitution and the laws of the land, to assist in the administration of justice as an officer of the court, and to advance or defend a client's cause, with full devotion, genuine interest, and zeal in the pursuit of truth and justice. (n)

**SECTION 1. *The responsible and accountable lawyer.* – A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession. (1a)<sup>38</sup>**

**As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice. (12a)<sup>39</sup>**

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<sup>37</sup> See proposed Canon III, Section 2.

<sup>38</sup> CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

<sup>39</sup> CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

As an advocate, a lawyer shall represent **the** client with **fidelity and** zeal within the bounds of the law **and this Code**. (17a,<sup>40</sup> 19a)<sup>41</sup>

**SECTION 2. *Lawyer-client relationship.*** – **A lawyer-client relationship is of the highest fiduciary character. As a trust relation, it is essential that the engagement is founded on the confidence reposed by the client on the lawyer. Therefore, a lawyer-client relationship shall arise when the client consciously, voluntarily and in good faith vests a lawyer with his or her confidence for the purpose of legal advice or representation, which shall include both court and non-court legal services, and the lawyer agrees to render such services.** (n)

**SECTION 3. *Authority of lawyer to bind client.*** – **A lawyer can** bind a client in a **legal engagement only when so authorized through a written** agreement. **The lawyer, however,** cannot compromise a client's litigation, or receive anything in discharge of a client's claim, without a special **power of attorney for such purpose**. (138.23a)<sup>42</sup>

**SECTION 4. *Authority of lawyer to appear.*** – A **lawyer** is presumed to be properly authorized to

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<sup>40</sup> CANON 17 - A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.

<sup>41</sup> CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

<sup>42</sup> RULES OF COURT, rule 138, sec. 22. *Attorney who appears in lower court presumed to represent client on appeal.* – An attorney who appears *de parte* in a case before a lower court shall be presumed to continue representing his client on appeal, unless he files a formal petition withdrawing his appearance in the appellate court.

represent any cause in which he or she appears, and no written power of attorney is required to authorize him or her to appear in court for the client.

The court, tribunal, or other government agency may, on its own initiative or on motion of either party, on just cause, require a lawyer to produce or prove the authority to appear on behalf of the client. (R138.21a)<sup>43</sup>

**SECTION 5. *Fiduciary duty of a lawyer.*** – A lawyer shall be mindful of the trust and confidence reposed by the client. (17a)<sup>44</sup>

To this end, a lawyer shall not abuse or exploit the relationship with a client. (n)

**SECTION 6. *Prohibition against frivolous suits and abuse of court processes.*** – A lawyer shall not:

- (a) file or encourage the filing of any suit or proceeding not authorized by existing law

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<sup>43</sup> RULES OF COURT, rule 138, sec. 21. *Authority of attorney to appear.* – An attorney is presumed to be properly authorized to represent any cause in which he appears, and no written power of attorney is required to authorize him to appear in court for his client, but the presiding judge may, on motion of either party and on reasonable grounds therefor being shown, require any attorney who assumes the right to appear in a case to produce or prove the authority under which he appears, and to disclose, whenever pertinent to any issue, the name of the person who employed him, and may thereupon make such order as justice requires. An attorneys willfully appear in court for a person without being employed, unless by leave of the court, may be punished for contempt as an officer of the court who has misbehaved in his official transactions.

<sup>44</sup> CANON 17 - A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.



**or jurisprudence or without any evidentiary support;**

- (b) **unduly impede the execution of an order or judgment which is warranted; or**
- (c) **abuse court processes.** (1.03a)<sup>45</sup>

**SECTION 7. *Lawyer's duty to encourage settlement.*** — A lawyer shall encourage **the** client to avoid, end or settle a controversy, **whether pending or not, in order to reach a settlement or a compromise if the matter can be compromised under the law.**

**To this end, the lawyer shall actively assist the parties and the court, tribunal, or other government agency to effect mediation and/or dispute resolution.** (1.04a)<sup>46</sup>

**SECTION 8. *Duty to call client to rectify fraudulent act.*** — A lawyer who receives information that **a** client has, in the course of the representation, perpetrated a fraud **in relation to any matter before a court, tribunal, or other government agency, or any officer thereof,** shall promptly call upon the client to rectify the same. **Such fraudulent act on the part of the client shall be a ground for the termination by the lawyer of the engagement.** (19.02a)<sup>47</sup>

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<sup>45</sup> Rule 1.03 - A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.

<sup>46</sup> Rule 1.04 - A lawyer shall encourage his clients to avoid, end or settle a controversy if it will admit of a fair settlement.

<sup>47</sup> Rule 19.02 - A lawyer who has received information that his client has, in the course of the representation, perpetrated a fraud upon a person or tribunal, shall promptly call upon the client to rectify the same, and failing which he shall terminate the relationship with such client in accordance with the Rules of Court.

**SECTION 9. *Responsibility over a subordinate lawyer, paralegal, or employee.*** – A lawyer or law firm shall be responsible for the mistakes, negligence and/or acts or omissions of a subordinate lawyer, paralegal, or employee under the lawyer's direct supervision and control, that cause damage or injury which brings dishonor to the profession, or violates the rule on confidentiality. (n)

**SECTION 10. *Responsibility of a supervisory lawyer over a supervised lawyer.*** – A supervisory lawyer shall co-sign a pleading or other submission to any court, tribunal, or other government agency with a supervised lawyer. A supervisory lawyer shall be responsible for a violation of this Code by the supervised lawyer in any of the following instances:

- (a) the supervisory lawyer orders or directs the specific conduct or, with knowledge of the specific conduct, ratifies it; or
- (b) the supervisory lawyer knows of such conduct at a time when it could be prevented or its consequences avoided or mitigated, but fails to take reasonable remedial action; or
- (c) the supervisory lawyer should have known of the conduct so that reasonable remedial action could have been taken at a time when the consequences of the conduct could have been avoided or mitigated. (n)

**SECTION 11. *Responsibilities of a supervised lawyer.*** – A supervised lawyer acting under the direction of the supervising lawyer, managing

**partner, or other partners of the firm is nevertheless bound by this Code. (n)**

**SECTION 12. *Conflict of interest.*** – A lawyer shall not represent conflicting interests except by written informed consent of all concerned given after a full disclosure of the facts. (15.03)<sup>48</sup>

**There is conflict of interest when a lawyer represents inconsistent or opposing interests of two or more persons. The test is whether or not in behalf of one client it is the lawyer’s duty to fight for an issue or claim, but which is his or her duty to oppose for the other client.**<sup>49</sup>

**SECTION 13. *Prohibition against conflict-of-interest representation; current clients.*** – **In relation to current clients, the following rules shall be observed:**

- (a) **A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client unless:**
  - (1) **it is shown that the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner**

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<sup>48</sup> Rule 15.03. - A lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts.

<sup>49</sup> *Mabini Colleges, Inc. v. Atty. Pajarillo*, A.C. No. 10687, 22 July 2015, citing *Hornilla v. Salunat*, A.C. No. 5804, 1 July 2003.

**that can be reasonably understood by the client;**

- (2) the client is advised in writing of the desirability of seeking, and is given a reasonable opportunity to seek, the advice of another independent lawyer on the transaction; and**
  - (3) the client gives written informed consent to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.** (ABA Model Rules, Rule 1.8(a))<sup>50</sup>
- (b) A lawyer shall not use confidential information relating to representation of a client unless the client gives written informed consent, or as permitted or**

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<sup>50</sup> American Bar Association's Model Rules of Professional Conduct (hereafter, "ABA Model Rules"), Rule 1.8(a). A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

- (1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
- (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and
- (3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

- required by law or this Code.** (ABA Model Rules, Rule 1.8(b))<sup>51</sup>
- (c) **A lawyer shall not, by undue influence, acquire any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer such gift, directly or indirectly.** (ABA Model Rules, Rule 1.8(c))<sup>52</sup>
- (d) **Unless with the written informed consent of the client and subject to the application of the *sub judice* rule, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.** (ABA Model Rules, Rule 1.8(d))<sup>53</sup>
- (e) **A lawyer shall not accept compensation for representing a client from any person other than the client, unless:**

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<sup>51</sup> Id., Rule 1.8(b). A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

<sup>52</sup> Id., Rule 1.8(c). A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer or the client maintains a close, familial relationship.

<sup>53</sup> Id., Rule 1.8(d). Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

- (1) the client gives written informed consent;
  - (2) there is no interference with the lawyer's independence or professional judgment or with the lawyer-client relationship; or
  - (3) the information relating to representation of a client is protected as required by the rule on privileged communication. (ABA Model Rules, Rule 1.8(f))<sup>54</sup>
- (f) A lawyer, who represents two or more clients in the same case, in case there is a settlement or plea-bargaining, shall disclose to all the clients the existence and nature of all the claims or pleas involved and the participation of each client in the settlement or plea-bargaining. (ABA Model Rules, Rule 1.8(k))<sup>55</sup>

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<sup>54</sup> Id., Rule 1.8(f). A lawyer shall not accept compensation for representing a client from one other than the client unless:

- (1) the client gives informed consent;
- (2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and
- (3) information relating to representation of a client is protected as required by Rule 1.6.

<sup>55</sup> Id., Rule 1.8(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

- (g) **A lawyer shall avoid testifying in behalf of the client, except:**
- (1) **on formal matters, such as the mailing, authentication or custody of an instrument, and the like; or**
  - (2) **on substantial matters, in cases where the testimony is essential to the ends of justice, in which event the lawyer must, during the testimony, entrust the trial of the case to another counsel.** (12.08a)<sup>56</sup>
- (h) **The prohibitions in paragraphs (a) to (g) shall apply to all lawyers who are associated in a law firm.** (ABA Model Rules, Rule 1.8(k))<sup>57</sup> (n)

**SECTION 14. *Conflict of interest of a lawyer hired by a law firm.* – When a lawyer joins a law firm, it shall be the duty of the lawyer to disclose to the law firm, at the earliest possible opportunity, his or her previous clients that may have a potential conflict of interest with the current clients of the law firm. If there is a potential conflict of interest exists, the lawyer shall not act on the case or cases of the affected current client.** (n)

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<sup>56</sup> Rule 12.08 - A lawyer shall avoid testifying in behalf of his client, except:  
(a) on formal matters, such as the mailing, authentication or custody of an instrument, and the like; or  
(b) on substantial matters, in cases where his testimony is essential to the ends of justice, in which event he must, during his testimony, entrust the trial of the case to another counsel.

<sup>57</sup> Id., Rule 1.8(k). While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them.

**SECTION 15. *Prohibition against dating, romantic or sexual relations with a client.* – A lawyer shall not have dating, romantic, or sexual relations with a client during the engagement, unless the consensual relationship existed between them before the lawyer-client relationship commenced. (n)**

**SECTION 16. *Prohibition against conflict-of-interest representation; prospective clients.* – In relation to prospective clients, the following rules shall be observed:**

- (a) A lawyer shall, at the earliest opportunity, ascertain the existence of any conflict of interest between a prospective client and current clients, and immediately disclose the same if found to exist. (15.01a)<sup>58</sup>

In case of an objection by either the prospective or current client, the lawyer shall not accept the new engagement.

- (b) A lawyer shall maintain the private confidences of a prospective client even if no engagement materializes and shall not use any such information to further his or her own interest, or the interest of any current client. (n)

**SECTION 17. *Prohibition against conflict-of-interest representation; former clients.* – In relation to former clients, the following rules shall be observed:**

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<sup>58</sup> Rule 15.01. - A lawyer, in conferring with a prospective client, shall ascertain as soon as practicable whether the matter would involve a conflict with another client or his own interest, and if so, shall forthwith inform the prospective client.



- (a) A lawyer shall maintain the private confidences of a former client even after the termination of the engagement, except upon the written informed consent of the former client, or as otherwise allowed under this Code or other applicable laws or regulations, or when the information has become generally known. (21a)<sup>59</sup>
- (b) A lawyer shall not use information relating to the former representation, except as this Code or applicable laws and regulations would permit or require with respect to a current or prospective client, or when the information has become generally known. (ABA Model Rules, Rule 1.9(c))<sup>60</sup>
- (c) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same matter, or any matter arising therefrom or necessarily connected therewith, in which that person's interests are materially adverse to the interests of the former client, unless

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<sup>59</sup> CANON 21 - A LAWYER SHALL PRESERVE THE CONFIDENCE AND SECRETS OF HIS CLIENT EVEN AFTER THE ATTORNEY-CLIENT RELATION IS TERMINATED.

<sup>60</sup> ABA Model Rules, Rule 1.9(c). A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

- (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
- (2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

**the former client gives informed written consent.** (ABA Model Rules, Rule 1.9(a))<sup>61</sup>  
(n)

***SECTION 18. Corporate lawyers; conflict of interest.*** – **In relation to organizational clients, a lawyer who represents a corporation or any organization does not, by virtue of such representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary.** (ABA Model Rules, Rule 1.9 Comment)<sup>62</sup>

**A lawyer for a corporation or other organization, who is also a member of its board of directors or trustees, shall determine whether the responsibilities of the two roles may conflict. In the event of the latter, the lawyer shall disclose the conflict of**

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<sup>61</sup> ABA Model Rules, Rule 1.9(a). A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

<sup>62</sup> ABA Model Rules, Rule 1.7, Comment , available at [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_7\\_conflict\\_of\\_interest\\_current\\_clients/comment\\_on\\_rule\\_1\\_7/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_7_conflict_of_interest_current_clients/comment_on_rule_1_7/) (last accessed 6 March 2022).  
Organizational Clients

[34] A lawyer who represents a corporation or other organization does not, by virtue of that representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary. *See* Rule 1.13(a). Thus, the lawyer for an organization is not barred from accepting representation adverse to an affiliate in an unrelated matter, unless the circumstances are such that the affiliate should also be considered a client of the lawyer, there is an understanding between the lawyer and the organizational client that the lawyer will avoid representation adverse to the client's affiliates, or the lawyer's obligations to either the organizational client or the new client are likely to limit materially the lawyer's representation of the other client.

**interest to all concerned parties.** (ABA Model Rules, Rule 1.9 Comment)<sup>63</sup> (n)

***SECTION 19. Legal services organization; conflict of interest.*** – **A legal services organization is any private organization, including a legal aid clinic, partnership, association, or corporation, whose primary purpose is to provide free legal services.**

**A lawyer-client relationship shall arise only between the client and the handling lawyers of the legal services organization. All the lawyers of the legal services organization who participated in the handling of a legal matter shall be covered by the rule on conflict of interest.** (n)

***SECTION 20. Lawyers in government service; conflict of interest.*** – **A lawyer currently serving in the government shall not practice law privately, unless otherwise permitted by law or applicable Civil Service rules and regulations. If allowed, private**

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<sup>63</sup> Id., [35]. A lawyer for a corporation or other organization who is also a member of its board of directors should determine whether the responsibilities of the two roles may conflict. The lawyer may be called on to advise the corporation in matters involving actions of the directors. Consideration should be given to the frequency with which such situations may arise, the potential intensity of the conflict, the effect of the lawyer's resignation from the board and the possibility of the corporation's obtaining legal advice from another lawyer in such situations. If there is material risk that the dual role will compromise the lawyer's independence of professional judgment, the lawyer should not serve as a director or should cease to act as the corporation's lawyer when conflicts of interest arise. The lawyer should advise the other members of the board that in some circumstances matters discussed at board meetings while the lawyer is present in the capacity of director might not be protected by the attorney-client privilege and that conflict of interest considerations might require the lawyer's recusal as a director or might require the lawyer and the lawyer's firm to decline representation of the corporation in a matter.

practice shall be upon the express authority of the lawyer's superior, for a stated specified purpose or engagement, and only during an approved leave of absence.<sup>64</sup> However, the lawyer shall not represent an interest adverse to the government. (n)

**SECTION 21. *Public Attorney's Office; conflict of interest.*** – The Public Attorney's Office is the primary legal aid service office of the government. In the pursuit of its mandate under its charter, the Public Attorney's Office shall ensure ready access to its services by the marginalized sectors of society in a manner that takes into consideration the avoidance of potential conflict of interest situations which will leave these marginalized parties unassisted by counsel.

A conflict of interest of any of the lawyers of the Public Attorney's Office incident to services rendered for the Office shall be imputed only to the said lawyer and the lawyer's direct supervisor. Such conflict of interest shall not disqualify the rest of the lawyers from the Public Attorney's Office from representing the affected client, upon full disclosure to the latter and written informed consent. (n)

**SECTION 22. *Amicus curiae.*** – A lawyer shall not decline, without just cause, a request by any court, tribunal, or other government agency to act as *amicus curiae* in any proceeding relating to the lawyer's expertise or field of specialization. (14.02a)<sup>65</sup>

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<sup>64</sup> *Yumol, Jr. v. Ferrer, Sr.*, A.C. No. 6585, April 21, 2005.

<sup>65</sup> Rule 14.02 - A lawyer shall not decline, except for serious and sufficient cause, an appointment as counsel *de officio* or as *amicus curiae*, or a

**SECTION 23. *Active involvement in legal education.*** – A lawyer shall keep abreast of legal developments, participate in continuing legal education programs, and support efforts to achieve standards **of excellence** in law schools as well as in the practical training of law students.

**In addition, a lawyer shall assist the Integrated Bar of the Philippines, law schools, law alumni associations, law associations, or civic organizations, in educating the public on the law and jurisprudence.**  
(5a)<sup>66</sup>

**The IBP Chapters shall provide supervising lawyers to the legal aid clinics in their jurisdiction.**  
(n)

**SECTION 24. *Support for legal internship, apprenticeship and training.*** – **To prepare the next generation of lawyers for ethical practice, lawyers shall support legal internship and apprenticeship programs and accept law students for training.**

**The lawyer shall treat the apprentices as junior colleagues and future counsels, and shall conscientiously supervise them.** (n)

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request from the Integrated Bar of the Philippines or any of its chapters for rendition of free legal aid.

Cf. RULES OF COURT, rule 138, sec. 36. *Amicus Curiae.* – Experienced and impartial attorneys may be invited by the Court to appear as *amici curiae* to help in the disposition of issues submitted to it.

<sup>66</sup> CANON 5 - A LAWYER SHALL KEEP ABREAST OF LEGAL DEVELOPMENTS, PARTICIPATE IN CONTINUING LEGAL EDUCATION PROGRAMS, SUPPORT EFFORTS TO ACHIEVE HIGH STANDARDS IN LAW SCHOOLS AS WELL AS IN THE PRACTICAL TRAINING OF LAW STUDENTS AND ASSIST IN DISSEMINATING THE LAW AND JURISPRUDENCE.

**SECTION 25. *Prompt payment of membership dues.*** – A lawyer shall promptly pay the annual membership dues in the Integrated Bar of the Philippines, unless expressly exempt from such payment by law or rules. (n)

**SECTION 26. *Confidentiality of privileged communication.*** – A lawyer shall maintain the confidences of the client, and shall respect data privacy laws. Termination of the lawyer-client engagement shall not free the lawyer from this duty. (21a)<sup>67</sup>

**SECTION 27. *Protecting client confidences.***  
– A lawyer shall not reveal the confidences of the client, except;

- (a) When a written informed consent is obtained from the client, including data from the said client's files; (21.03a)<sup>68</sup>
- (b) When required by law or the Rules of Court;
- (c) To the extent necessary, to collect the lawyer's fees;
- (d) In defense of the lawyer, or the lawyer's employees or associates; or

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<sup>67</sup> CANON 21 - A LAWYER SHALL PRESERVE THE CONFIDENCE AND SECRETS OF HIS CLIENT EVEN AFTER THE ATTORNEY-CLIENT RELATION IS TERMINATED.

<sup>68</sup> Rule 21.03 - A lawyer shall not, without the written consent of his client, give information from his files to an outside agency seeking such information for auditing, statistical, bookkeeping, accounting, data processing, or any similar purpose.

- (e) By judicial order, but only if material.  
(21.01a)<sup>69</sup>

**SECTION 28. *Duty of confidentiality by former lawyers of a law firm.* – A lawyer shall continue to be bound by the rule on confidentiality pertaining to clients of his or her previous law office or law firm. (n)**

**SECTION 29. *Duty of confidentiality of members of a law firm.* – A lawyer may disclose the legal matters entrusted by a client of the firm to the partners and associates, as well as paralegals, legal assistants, law clerks, legal researchers, law interns, and other non-legal staff, who are or will be involved in the handling of the client's account, unless expressly prohibited by the client. (21.04a)<sup>70</sup>**

A lawyer directly entrusted with a client's confidences shall adopt necessary measures to prevent other members of the law firm, both legal and non-legal, to whom the client's confidences have been shared, from disclosing or using them, without the written informed consent of the client. (21.05a)<sup>71</sup>

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<sup>69</sup> Rule 21.02 - A lawyer shall not, to the disadvantage of his client, use information acquired in the course of employment, nor shall he use the same to his own advantage or that of a third person, unless the client with full knowledge of the circumstances consents thereto.

<sup>70</sup> Rule 21.04 - A lawyer may disclose the affairs of a client of the firm to partners or associates thereof unless prohibited by the client.

<sup>71</sup> Rule 21.05 - A lawyer shall adopt such measures as may be required to prevent those whose services are utilized by him, from disclosing or using confidences or secrets of the clients.

**SECTION 30. *Prohibition against filial disclosure.*** – A lawyer shall **not discuss** a client’s confidences even with family **members**. (21.06a)<sup>72</sup>

**SECTION 31. *Non-disclosure of legal consultation.*** – A lawyer shall not reveal that he **or she** has been consulted about a particular case except to avoid possible conflict of interest. (21.07a)<sup>73</sup>

**SECTION 32. *Foreign lawyers.*** – **Foreign lawyers can not, directly or indirectly, practice law in the Philippines.** (n)

**SECTION 33. *Active participation in the development of the legal profession.*** – A lawyer shall participate in the development of the legal system by initiating or supporting efforts in law reform, the improvement of the administration of justice, strengthening **the judicial and legal system, and advocacies in areas of special concern like the environment, indigenous peoples’ rights, human rights, and access to justice.** (4a)<sup>74</sup>

**SECTION 34. *Limited Legal Services.*** – **Limited Legal Services means advice or appearance before a court, tribunal, or other government agency for a specific incident in a proceeding with the expectation by the lawyer and the client that the**

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<sup>72</sup> Rule 21.06 - A lawyer shall avoid indiscreet conversation about a client’s affairs even with members of his family.

<sup>73</sup> Rule 21.07 - A lawyer shall not reveal that he has been consulted about a particular case except to avoid possible conflict of interest.

<sup>74</sup> CANON 4 - A LAWYER SHALL PARTICIPATE IN THE DEVELOPMENT OF THE LEGAL SYSTEM BY INITIATING OR SUPPORTING EFFORTS IN LAW REFORM AND IN THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE.



**lawyer will not provide continuing legal services in the matter. This includes being appointed as counsel *de officio* only for arraignment purposes or special appearances to make any court submission, to give advice, to draft legal documents, to provide legal assistance before administrative bodies, and the like.** (Canada Rules, Rule 3.4-2A)<sup>75</sup>

**In all instances, the lawyer shall state that the service being rendered is in the nature of Limited Legal Services.**

**A lawyer who renders limited legal services shall be entitled to compensation as may be agreed upon or provided by the Rules of Court.** (n)

**SECTION 35. *Pro bono Limited Legal Services.***

**– A lawyer appointed by the court as counsel *de officio* shall not refuse to render Limited Legal Services *pro bono* on the ground of conflict of interest. Instead, the lawyer shall disclose to all affected parties such conflict of interest.** (n)

**If either party objects by reason of the conflict of interest disclosed by the lawyer, or in any other instance where *pro bono* Limited Legal Services are sought of a lawyer, the lawyer may not refuse to render *pro bono* legal services to the person concerned if only to the extent necessary to safeguard the latter's fundamental rights and not to deprive**

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<sup>75</sup> Federation of Law Societies of Canada, Model of Professional Conduct (hereafter, "Canada Rules"), Rule 3.4-2A. In rules 3.4-2B to 3.4-2D "Short-term summary legal services" means advice or representation to a client under the auspices of a pro bono or not-for-profit legal services provider with the expectation by the lawyer and the client that the lawyer will not provide continuing legal services in the matter.

**such person of remedies available under the law or rules.** (2.02a)<sup>76</sup>

**A government lawyer currently serving in the government shall not be exempt from *pro bono* service and may be appointed by any court, tribunal, or other government agency as *counsel de officio*, unless prohibited by law or applicable Civil Service rules and regulations.** (n)

**SECTION 36. *Duty of confidentiality in Limited Legal Services.*** – **A lawyer who provides Limited Legal Services must protect the client’s private confidences to the same extent as if engaged under regular terms.**<sup>77</sup> (n)

**SECTION 37. *Termination of Limited Legal Services.*** – **A lawyer must cease to provide limited legal services to a client when the lawyer becomes aware that there may be an actual or potential**

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<sup>76</sup> Rule 2.02 - In such cases, even if the lawyer does not accept a case, he shall not refuse to render legal advice to the person concerned if only to the extent necessary to safeguard the latter’s rights.

*Cf.* RULES OF COURT, rule 138, sec. 31. *Attorneys for destitute litigants.* – A court may assign an attorney to render professional aid free of charge to any party in a case, if upon investigation it appears that the party is destitute and unable to employ an attorney, and that the services of counsel are necessary to secure the ends of justice and to protect the rights of the party. It shall be the duty of the attorney so assigned to render the required service, unless he is excused therefrom by the court for sufficient cause shown.

<sup>77</sup> Canada Rules, Rule 3.4-2D. A lawyer who provides short-term summary legal services must take reasonable measures to ensure that no disclosure of the client’s confidential information is made to another lawyer in the lawyer’s firm.

**conflict of interest, except with the written informed consent of the client.**<sup>78</sup>

**In all cases, the limited legal services terminates upon the completion of such services.** (n)

**SECTION 38. *Limited Legal Services of law student practitioners.*** – **The Limited Legal Services rendered by a law student practitioner under the Clinical Legal Education Program shall be governed by this Code.** (n)

**SECTION 39. *Accountability of legal clinic director and supervising lawyer.*** – **A law student clinic director and supervising lawyer, under Rule 138-A of the Rules of Court shall provide meaningful training to law students. They shall assume responsibility for any work performed by the law student while under their supervision and shall comply with all the laws, rules and guidelines pertaining to Law Student Practice.**<sup>79</sup> (n)

**SECTION 40. *Fair and reasonable fees.*** – A lawyer shall charge only fair and reasonable fees. (20)<sup>80</sup>

**Attorney’s fees shall be deemed fair and reasonable if determined based on the following factors:**

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<sup>78</sup> Canada Rules, Rule 3.4-2C. Except with consent of the clients as provided in rule 3.4-2, a lawyer must not provide, or must cease providing short-term summary legal services to a client where the lawyer knows or becomes aware that there is a conflict of interest.

<sup>79</sup> Canada Model, 6.2-2.

<sup>80</sup> CANON 20 - A LAWYER SHALL CHARGE ONLY FAIR AND REASONABLE FEES.

- (a) the time spent and the extent of the service rendered or required;
- (b) the novelty and difficulty of the questions involved;
- (c) **The skill or expertise of the lawyer, including the level of study and experience required for the engagement;**
- (d) The probability of losing other **engagements** as a result of acceptance of the case;
- (e) The customary charges for similar services and the **recommended** schedule of fees, **which** the IBP chapter **shall provide**;<sup>81</sup>
- (f) **The quantitative or qualitative value of the client's interest in the engagement,** **or** the benefits resulting to the client from the service;
- (g) The contingency or certainty of compensation; and
- (h) The character of the **engagement**, whether limited, seasonal, or otherwise. (20.01a)<sup>82</sup>

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<sup>81</sup> See Rule 2.04 - A lawyer shall not charge rates lower than those customarily prescribed unless the circumstances so warrant.

<sup>82</sup> Rule 20.01 - A lawyer shall be guided by the following factors in determining his fees:

- (a) the time spent and the extent of the service rendered or required;
- (b) the novelty and difficulty of the questions involved;
- (c) The importance of the subject matter;
- (d) The skill demanded;
- (e) The probability of losing other employment as a result of acceptance of the proffered case;
- (f) The customary charges for similar services and the schedule of fees of the IBP chapter to which he belongs;

**SECTION 41. *Division of fees upon referral.* –**

A lawyer shall, in case of referral **of legal services in favor of another lawyer** with the **written informed** consent of the client, be entitled to a division of fees in proportion to the work performed and responsibility assumed. (20.02a)<sup>83</sup>

Where a lawyer undertakes to complete unfinished legal business of a deceased lawyer, **a division or sharing of fees is allowed with the deceased lawyer's legal heirs or estate.** (9.02(b)a)<sup>84</sup>

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- (g) The amount involved in the controversy and the benefits resulting to the client from the service;
  - (h) The contingency or certainty of compensation;
  - (i) The character of the employment, whether occasional or established; and
  - (j) The professional standing of the lawyer.

*Cf. RULES OF COURT, rule 138, sec. Compensation of attorneys; agreement as to fees.* – An attorney shall be entitled to have and recover from his client no more than a reasonable compensation for his services, with a view to the importance of the subject matter of the controversy, the extent of the services rendered, and the professional standing of the attorney. No court shall be bound by the opinion of attorneys as expert witnesses as to the proper compensation but may disregard such testimony and base its conclusion on its own professional knowledge. A written contract for services shall control the amount to be paid therefor unless found by the court to be unconscionable or unreasonable.

<sup>83</sup> Rule 20.02 - A lawyer shall, in case of referral, with the consent of the client, be entitled to a division of fees in proportion to the work performed and responsibility assumed.

<sup>84</sup> Rule 9.02 - A lawyer shall not divide or stipulate to divide a fee for legal services with persons not licensed to practice law, except:

- (a) Where there is a pre-existing agreement with a partner or associate that, upon the latter's death, money shall be paid over a reasonable period of time to his estate or to persons specified in the agreement; or
- (b) Where a lawyer undertakes to complete unfinished legal business of a deceased lawyer; or

**SECTION 42. *Non-Sharing of fees with non-lawyers.*** – A lawyer shall not **share, split, or** divide or stipulate to divide, **directly or indirectly,** a fee for legal services with persons **or organizations** not licensed **or authorized** to practice law. (9.02a)<sup>85</sup>

**SECTION 43. *Payment of compensation by third party.*** – A lawyer shall not **receive compensation from anyone other than the client, except upon the authority of such client.** (20.03a)<sup>86</sup>

**Receipt of compensation from someone other than the client must not interfere with the lawyer’s independence, professional judgment, or the lawyer-client relationship. Neither should information relating to representation of a client be disclosed in violation of the rule on privileged communication.** (ABA Model Rules, Rule 1.8 - Comment)<sup>87</sup>

**SECTION 44. *Prompt payment of legal fees.***  
– **A lawyer is entitled to prompt payment from the client of attorney’s fees.**

**Absent an express agreement as to professional fees, a client is obliged to pay reasonable attorney’s fees in accordance with Canon III, Section 41.** (n)

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- (c) Where a lawyer or law firm includes non-lawyer employees in a retirement plan even if the plan is based in whole or in part, on a profit sharing agreement.

<sup>85</sup> Id.

<sup>86</sup> Rule 20.03 - A lawyer shall not, without the full knowledge and consent of the client, accept any fee, reward, costs, commission, interest, rebate or forwarding allowance or other compensation whatsoever related to his professional employment from anyone other than the client.

<sup>87</sup> ABA Model Rules, rule 1.8 - Comment, available at [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_8\\_current\\_clients\\_specific\\_rules/comment\\_on\\_rule\\_1\\_8/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_8_current_clients_specific_rules/comment_on_rule_1_8/). Last accessed 1 August 2022.

**SECTION 45. *Controversy over legal fees.* –**

A lawyer shall avoid any controversy with a client concerning fees for legal services and shall resort to judicial action solely to prevent imposition, injustice or fraud. (20.04a)<sup>88</sup>

**SECTION 46. *Enforcement of attorney's lien.* –  
In case of non-payment of attorney's fees, a lawyer may resort to the enforcement of the attorney's lien under Canon III, Section 50,<sup>89</sup> by filing a Notice**

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Financial Assistance

[10] Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation. These dangers do not warrant a prohibition on a lawyer lending a client court costs and litigation expenses, including the expenses of medical examination and the costs of obtaining and presenting evidence, because these advances are virtually indistinguishable from contingent fees and help ensure access to the courts. Similarly, an exception allowing lawyers representing indigent clients to pay court costs and litigation expenses regardless of whether these funds will be repaid is warranted.

<sup>88</sup> Rule 20.04 - A lawyer shall avoid controversies with clients concerning his compensation and shall resort to judicial action only to prevent imposition, injustice or fraud.

<sup>89</sup> See RULES OF COURT, rule 138, sec. 26. *Change of attorneys.* – An attorney may retire at any time from any action or special proceeding, by the written consent of his client filed in court. He may also retire at any time from an action or special proceeding, without the consent of his client, should the court, on notice to the client and attorney, and on hearing, determine that he ought to be allowed to retire. In case of substitution, the name of the attorney newly employed shall be entered on the docket of the court in place of the former one, and written notice of the change shall be given to the advance party.

A client may at any time dismiss his attorney or substitute another in his place, but if the contract between client and attorney has been reduced to writing and the dismissal of the attorney was without justifiable cause, he shall be entitled to recover from the client the full compensation stipulated in the contract. However, the attorney may, in the discretion

**of Enforcement of Attorney's Lien with the court, tribunal, or other government agency of origin where the action or proceeding the lawyer rendered service for is pending, without prejudice to other remedies under the law or the Rules of Court. The Notice shall be accompanied by proof of the services rendered, and served on the client. The court, tribunal, or other government agency, after hearing, shall determine the lawyer's entitlement to the claimed fees.**

**The enforcement of an attorney's lien shall be treated as an independent claim and shall in no instance delay the resolution of the main case. The resolution of the lawyer's claim may be included in the main judgment or in a separate partial judgment. In the case of a partial judgment, the same shall be subject of appeal.**

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of the court, intervene in the case to protect his rights. For the payment of his compensation the attorney shall have a lien upon all judgments for the payment of money, and executions issued in pursuance of such judgment, rendered in the case wherein his services had been retained by the client.

*See also RULES OF COURT, rule 138, sec. 37. Attorneys' liens. — An attorney shall have a lien upon the funds, documents and papers of his client which have lawfully come into his possession and may retain the same until his lawful fees and disbursements have been paid, and may apply such funds to the satisfaction thereof. He shall also have a lien to the same extent upon all judgments for the payment of money, and executions issued in pursuance of such judgments, which he has secured in a litigation of his client, from and after the time when he shall have the caused a statement of his claim of such lien to be entered upon the records of the court rendering such judgment, or issuing such execution, and shall have the caused written notice thereof to be delivered to his client and to the adverse party; and he shall have the same right and power over such judgments and executions as his client would have to enforce his lien and secure the payment of his just fees and disbursements.*



**An appeal in the main case shall not stay the execution of the lawyer's lien. In the execution of the judgment in the main case, the court shall give due consideration to the pending claim of the lawyer.**

**If a decision has been rendered by the court, tribunal, or other government agency of origin on the action or proceeding, the claim for the enforcement of the lien shall be by an independent action.** (n)

**SECTION 47. *Compensation for counsel de officio.*** – Subject to availability of funds as may be provided by the law, the court may, in its discretion, order a **lawyer engaged as counsel de officio** to be compensated in such sum as the court may fix **following Canon III, Section 41, provided that it is not covered by the provision on Limited Legal Services.** (Rule 138.32a)<sup>90</sup>

**SECTION 48. *Termination of engagement by the lawyer.*** – A lawyer shall withdraw **from the lawyer-client relationship engagement** only for good cause **and** upon **written** notice. (22a)<sup>91</sup>

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<sup>90</sup> RULES OF COURT, rule 138, sec. 32. *Compensation for attorneys de officio.* – Subject to availability of funds as may be provided by the law the court may, in its discretion, order an attorney employed as counsel *de officio* to be compensated in such sum as the court may fix in accordance with section 24 of this rule. Whenever such compensation is allowed, it shall be not less than thirty pesos (P30) in any case, nor more than the following amounts: (1) Fifty pesos (P50) in light felonies; (2) One hundred pesos (P100) in less grave felonies; (3) Two hundred pesos (P200) in grave felonies other than capital offenses; (4) Five Hundred pesos (P500) in capital offenses.

<sup>91</sup> CANON 22 - A LAWYER SHALL WITHDRAW HIS SERVICES ONLY FOR GOOD CAUSE AND UPON NOTICE APPROPRIATE IN THE CIRCUMSTANCES.

**SECTION 49. *Termination of engagement by the client.* – The lawyer-client engagement may be terminated by the client at any time upon loss of trust and confidence. (n)**

**The termination of the engagement shall not relieve the client from full payment of all professional fees due to the lawyer. If the engagement has been reduced to writing, the lawyer shall be entitled to recover from the client the full compensation stipulated unless found by the court to be unconscionable or unreasonable under Canon III, Section 41 of this Code.** (R138.24a)<sup>92</sup>

**For the payment of his compensation the lawyer shall have a charging lien upon all judgments for the payment of money, and executions issued in pursuance of such judgment, rendered in the case where the lawyer's services had been retained by the client.** (R138.26a)<sup>93</sup> (n)

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<sup>92</sup> RULES OF COURT, rule 138, sec. 24. *Compensation of attorneys; agreement as to fees.* – An attorney shall be entitled to have and recover from his client no more than a reasonable compensation for his services, with a view to the importance of the subject matter of the controversy, the extent of the services rendered, and the professional standing of the attorney. No court shall be bound by the opinion of attorneys as expert witnesses as to the proper compensation but may disregard such testimony and base its conclusion on its own professional knowledge. A written contract for services shall control the amount to be paid therefor unless found by the court to be unconscionable or unreasonable.

<sup>93</sup> RULES OF COURT, rule 138, sec. 26. *Change of attorneys.* – An attorney may retire at any time from any action or special proceeding, by the written consent of his client filed in court. He may also retire at any time from an action or special proceeding, without the consent of his client, should the court, on notice to the client and attorney, and on hearing, determine that he ought to be allowed to retire. In case of substitution, the name of the attorney newly employed shall be entered on the docket of the

**SECTION 50. *Termination of engagement upon death.*** – **The death of the lawyer or client shall terminate the lawyer-client engagement. However, when the lawyer is a part of a law firm, the death of such lawyer shall not extinguish the lawyer-client engagement between the law firm and the client handled by such lawyer.** (n)

**SECTION 51. *Grounds for the termination of the lawyer-client relationship.*** – A lawyer may **terminate the lawyer-client engagement** in any of the following cases:

- (a) When the client pursues an illegal or immoral course of conduct in connection with the **engagement**;
- (b) When the client insists that the lawyer pursue conduct violative of these canons and rules;
- (c) When **the lawyer's** inability to work with co-counsel will not promote the best interest of the client;
- (d) When **the moral predisposition** or the mental or physical condition of the lawyer renders

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court in place of the former one, and written notice of the change shall be given to the advance party.

A client may at any time dismiss his attorney or substitute another in his place, but if the contract between client and attorney has been reduced to writing and the dismissal of the attorney was without justifiable cause, he shall be entitled to recover from the client the full compensation stipulated in the contract. However, the attorney may, in the discretion of the court, intervene in the case to protect his rights. For the payment of his compensation the attorney shall have a lien upon all judgments for the payment of money, and executions issued in pursuance of such judgment, rendered in the case wherein his services had been retained by the client.

it difficult to carry out the **engagement** effectively;

- (e) When the client deliberately fails to pay the fees for the **lawyer's** services or fails to comply with the retainer agreement;
- (f) When the lawyer is elected or appointed to public office;
- (g) Other similar cases. (22.01a)<sup>94</sup>

**SECTION 52. *Accounting during engagement.***

– A lawyer, **during the existence of the lawyer-client relationship**, shall account **for and prepare an inventory of any** fund or property **belonging to the client, whether received from the latter or from a third person, immediately upon such receipt.** (16.01a)<sup>95</sup>

**When funds are entrusted to a lawyer by a client for a specific purpose, the lawyer shall use such funds only for the client's declared purpose.**

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<sup>94</sup> Rule 22.01 - A lawyer may withdraw his services in any of the following case:

- (a) When the client pursues an illegal or immoral course of conduct in connection with the matter he is handling;
- (b) When the client insists that the lawyer pursue conduct violative of these canons and rules;
- (c) When his inability to work with co-counsel will not promote the best interest of the client;
- (d) When the mental or physical condition of the lawyer renders it difficult for him to carry out the employment effectively;
- (e) When the client deliberately fails to pay the fees for the services or fails to comply with the retainer agreement;
- (f) When the lawyer is elected or appointed to public office; and
- (g) Other similar cases.

<sup>95</sup> Rule 16.01 - A lawyer shall account for all money or property collected or received for or from the client.

**Any unused amount of the entrusted funds shall be returned to the client upon accomplishment of the stated purpose or the client's demand.** (n)

**SECTION 53. *Separate funds.*** – A lawyer shall keep the funds of the clients separate and apart **from each other. A lawyer's own funds shall be kept distinct from those of the clients.** (16.02a)<sup>96</sup>

**SECTION 54. *Prohibition against acquiring interest in object of litigation.*** – **A lawyer shall not acquire, directly or indirectly, a proprietary interest in the property or rights which is the object of any litigation in which the lawyer may take part by virtue of the profession.** (ABA Model Rules, Rule 1.8(j))<sup>97</sup> (n)

<sup>96</sup> Rule 16.02 - A lawyer shall keep the funds of each client separate and apart from his own and those of others kept by him.

<sup>97</sup> ABA Model Rules, rule 1.8. (i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:

- (1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and
- (2) contract with a client for a reasonable contingent fee in a civil case. *See also* CIVIL CODE, art. 1491. The following persons cannot acquire by purchase, even at a public or judicial auction, either in person or through the mediation of another.

x x x

(5) Justices, judges, prosecuting attorneys, clerks of superior and inferior courts, and other officers and employees connected with the administration of justice, the property and rights in litigation or levied upon on execution before the court within whose jurisdiction or territory they exercise their respective functions; this prohibition includes the act of acquiring by assignment and shall apply to lawyers, with respect to the property and rights which may be the object of any litigation in which they may take part by virtue of their profession.

*See also Heirs of Uy Ek Liang v. Meer Castillo*, G.R. No. 176425, 5 June 2013, *viz.*: "Admittedly, Article 1491 (5)45 of the Civil Code prohibits lawyers from acquiring by purchase or assignment the property or

**SECTION 55. *Prohibition on lending and borrowing; exceptions.*** – During the existence of the lawyer-client relationship, a lawyer shall not lend money to a client, except under urgent and justifiable circumstances. Advances for professional fees and necessary expenses in a legal matter the lawyer is handling for a client shall not be covered by this rule.

Neither shall a lawyer borrow money from a client during the existence of the lawyer-client relationship, unless the client's interests are fully protected by the nature of the case, or by independent advice. This rule does not apply to standard commercial transactions for products or services that the client offers to the public in general,<sup>98</sup> or where the lawyer and the client have an existing or prior business relationship, or where there is a contract between the lawyer and the client for this purpose. (16.04a)<sup>99</sup>

**SECTION 56. *Accounting and turn over upon termination of engagement.*** – A lawyer who is discharged from or terminates the engagement shall,

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rights involved which are the object of the litigation in which they intervene by virtue of their profession. The CA lost sight of the fact, however, that the prohibition applies only during the pendency of the suit and generally does not cover contracts for contingent fees where the transfer takes effect only after the finality of a favorable judgment.”

<sup>98</sup> Such as banking, brokerage services, products manufactured or distributed by client, or utilities services.

<sup>99</sup> Rule 16.04 - A lawyer shall not borrow money from his client unless the client's interest are fully protected by the nature of the case or by independent advice. Neither shall a lawyer lend money to a client except, when in the interest of justice, he has to advance necessary expenses in a legal matter he is handling for the client.

subject to a retainer lien, immediately **render a full account of and** turn over all **documents, evidence, funds and properties belonging to** the client.

**The lawyer** shall **cooperate** with **the chosen** successor in the orderly transfer of the **legal** matter, including all information necessary for the **efficient** handling of **the client's representation**. (22.02a)<sup>100</sup>

**A lawyer** shall have a lien upon the funds, documents and papers of **the** client which have lawfully come into his **or her** possession and may retain the same until the **fair and reasonable** fees and disbursements have been paid, and may apply such funds to the satisfaction thereof. (R138.37a)<sup>101</sup>

#### **CANON IV** **COMPETENCE AND DILIGENCE**

**A lawyer in professionally handling a client's cause shall, to the best of his or her ability, observe competence,**

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<sup>100</sup> Rule 22.02 - A lawyer who withdraws or is discharged shall, subject to a retainer lien, immediately turn over all papers and property to which the client is entitled, and shall cooperate with his successor in the orderly transfer of the matter, including all information necessary for the proper handling of the matter.

<sup>101</sup> RULES OF COURT, rule 138, sec. 37. *Attorneys' liens.* — An attorney shall have a lien upon the funds, documents and papers of his client which have lawfully come into his possession and may retain the same until his lawful fees and disbursements have been paid, and may apply such funds to the satisfaction thereof. He shall also have a lien to the same extent upon all judgments for the payment of money, and executions issued in pursuance of such judgments, which he has secured in a litigation of his client, from and after the time when he shall have caused a statement of his claim of such lien to be entered upon the records of the court rendering such judgment, or issuing such execution, and shall have the caused written notice thereof to be delivered to his client and to the adverse party; and he shall have the same right and power over such judgments and executions as his client would have to enforce his lien and secure the payment of his just fees and disbursements.

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**diligence, commitment, and skill consistent with the fiduciary relationship, regardless of the nature of the legal matter or issues involved, and whether for a fee or for free.** (n)

**SECTION 1. *Competent, efficient and conscientious service.*** – **A lawyer shall provide service that is competent, efficient, and conscientious.** A lawyer shall **be thorough in research, preparation, and application of the legal knowledge and skills necessary for an engagement.** (18.02a)<sup>102</sup>

**SECTION 2. *Undertaking legal services; collaborating counsel.*** – A lawyer shall **only** undertake legal **services** he **or she can deliver.**

With the **prior written** consent of **the** client, **a lawyer** may secure **the services of a** collaborating counsel. (18.01a)<sup>103</sup>

**SECTION 3. *Diligence and punctuality.*** – A lawyer shall **diligently and seasonably act on any** legal matter entrusted **by a client.** (18.03a)<sup>104</sup>

A lawyer shall be **punctual in all appearances, submissions of pleadings and documents before any court, tribunal or other government agency, and all matters professionally referred by the client, including meetings and other commitments.** (11.02a)<sup>105</sup>

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<sup>102</sup> Rule 18.02 - A lawyer shall not handle any legal matter without adequate preparation.

<sup>103</sup> Rules 18.01 - A lawyer shall not undertake a legal service which he knows or should know that he is not qualified to render. However, he may render such service if, with the consent of his client, he can obtain as collaborating counsel a lawyer who is competent on the matter.

<sup>104</sup> Rule 18.03 - A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

<sup>105</sup> Rule 11.02 - A lawyer shall punctually appear at court hearings.



**SECTION 4. *Diligence in all undertakings.*** – A lawyer shall observe diligence in all professional undertakings, and shall not cause or occasion delay in any legal matter before any court, tribunal, or other agency. (12.04a)<sup>106</sup>

A lawyer shall appear for trial adequately **familiar with** the law and the facts of **the** case, **and** the evidence **to be presented.** A lawyer shall also be ready with the **object and documentary evidence,** **as well as the judicial affidavits of the witnesses,** **when required by the rules or the court.** (12.01a)<sup>107</sup>

**SECTION 5. *Prompt and objective assessment of the merits.*** – A lawyer shall, **after reasonable inquiry,** give an **objective assessment of** the merits and probable results of the client’s case. (15.05a)<sup>108</sup>

**A lawyer shall explain the viable options to the client to enable an informed decision regarding the matter.** (n)

**SECTION 6. *Duty to update the client.*** – **A lawyer shall regularly inform the client of the status and the result of the matter undertaken, and any action in connection thereto.** (18.04a)<sup>109</sup>

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<sup>106</sup> Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

<sup>107</sup> Rule 12.01 - A lawyer shall not appear for trial unless he has adequately prepared himself on the law and the facts of his case, the evidence he will adduce and the order of its preference. He should also be ready with the original documents for comparison with the copies.

<sup>108</sup> Rule 15.05. - A lawyer when advising his client, shall give a candid and honest opinion on the merits and probable results of the client’s case, neither overstating nor understating the prospects of the case.

<sup>109</sup> Rule 18.04 - A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to the client’s request for information.

**SECTION 7. *Extension of time to file.*** – A lawyer shall avoid asking for an extension of time to file any pleading, motion, or other court submission, except when allowed by the Rules of Court or for good cause.

When an extension is obtained, the lawyer shall not let the period lapse without submitting the pleading, motion, or other court submission. (12.03a)<sup>110</sup>

**SECTION 8. *Lifelong learning.*** – A competent lawyer engages in lifelong learning through the continued development of professional skills. Towards this end, a lawyer shall participate in continuing legal education, and keep abreast of legal developments. (5a)<sup>111</sup>

**SECTION 9. *Practice of law concurrent with another profession.*** – A lawyer who is engaged in another profession concurrently with the practice of law shall expressly provide in the pertinent contract the nature of the services the lawyer is engaged to perform. (15.08a)<sup>112</sup>

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<sup>110</sup> Rule 12.03 - A lawyer shall not, after obtaining extensions of time to file pleadings, memoranda or briefs, let the period lapse without submitting the same or offering an explanation for his failure to do so.

<sup>111</sup> CANON 5 - A LAWYER SHALL KEEP ABREAST OF LEGAL DEVELOPMENTS, PARTICIPATE IN CONTINUING LEGAL EDUCATION PROGRAMS, SUPPORT EFFORTS TO ACHIEVE HIGH STANDARDS IN LAW SCHOOLS AS WELL AS IN THE PRACTICAL TRAINING OF LAW STUDENTS AND ASSIST IN DISSEMINATING THE LAW AND JURISPRUDENCE.

<sup>112</sup> Rule 15.08. - A lawyer who is engaged in another profession or occupation concurrently with the practice of law shall make clear to his client whether he is acting as a lawyer or in another capacity.

The practice of another profession shall not jeopardize such lawyer's competence, integrity, probity, and independence. (n)

**SECTION 10. *Non-legal activities.*** – A lawyer who is engaged in business or other non-legal profession shall likewise observe the ethical duties and responsibilities of a lawyer under this Code. (n)

### CANON V EQUALITY

Every lawyer shall adhere to the principle of equality and hold firmly the belief that every person, regardless of race, color, sexual orientation or gender identity, religion, disability, age, marital status, social or economic status, and other like circumstances, has the fundamental right to equal treatment and representation.

As such, the lawyer shall accord equal respect, attention, dedication and zeal in advancing the client's cause, regardless of personal opinion, religious or political beliefs, except for justifiable reasons. (n)

**SECTION 1. *Non-discrimination.*** – A lawyer shall not decline to represent a person solely on account of the latter's race, sexual orientation or gender identity, religion, disability, age, marital status, social or economic status, or such lawyer's or the public's opinion regarding the guilt of said person, except for justifiable reasons. (14.01)<sup>113</sup>

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<sup>113</sup> Rule 14.01 - A lawyer shall not decline to represent a person solely on account of the latter's race, sex, creed or status of life, or because of his own opinion regarding the guilt of said person. *See also* Rule 2.01 - A lawyer shall not reject, except for valid reasons, the cause of the defenseless or the oppressed.

**SECTION 2. *Treatment of vulnerable persons.* – In dealing with a client who belongs to a vulnerable sector, a lawyer shall be mindful and sensitive of, and consider the client’s special circumstances, as well as the applicable laws and rules.**

**The lawyer shall observe a higher standard of service suited to the particular needs of the vulnerable person and shall assert such person’s right to meaningful access to justice.**

**A vulnerable person is a person who is at a higher risk of harm than others, and shall include children, the elderly, the homeless, persons with disability, persons deprived of liberty, human rights victims, victims of domestic violence, victims of armed conflict, those who are socio-economically disadvantaged, those who belong to racial or ethnic minorities, or those with debilitating physical or mental conditions.** (n)

**SECTION 3. *Indigent person.* – A lawyer shall not refuse the representation of an indigent person, except if:**

- (a) **the lawyer** is not in a position to carry out the work effectively or competently **due to a specified cause**;
- (b) **the lawyer will be placed in** a conflict-of-interest **situation**; or
- (c) **the lawyer is related to the potential adverse party, within the sixth degree of consanguinity or affinity, or to the adverse counsel, within the fourth degree.** (14.03a)<sup>114</sup>

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<sup>114</sup> Rule 14.03 - A lawyer may not refuse to accept representation of an indigent client unless:

**An indigent is any person who has no money or property sufficient for food, shelter and other basic necessities. (R3.21a)<sup>115</sup>**

- (a) he is not in a position to carry out the work effectively or competently;
- (b) he labors under a conflict of interest between him and the prospective client or between a present client and the prospective client.

<sup>115</sup> See *Spouses Algura v. City of Naga et al.*, G.R. No. 150135, 30 October 2006. See RULES OF COURT, rule 3, sec. 21. *Indigent party.* – **A party may be authorized to litigate his action, claim or defense as an indigent if the court, upon an ex parte application and hearing, is satisfied that the party is one who has no money or property sufficient and available for food, shelter and basic necessities for himself and his family.**

Such authority shall include an exemption from payment of docket and other lawful fees, and of transcripts of stenographic notes which the court may order to be furnished him. The amount of the docket and other lawful fees which the indigent was exempted from paying shall be a lien on any judgment rendered in the case favorable to the indigent, unless the court otherwise provides.

Any adverse party may contest the grant of such authority at any time before judgment is rendered by the trial court. If the court should determine after hearing that the party declared as an indigent is in fact a person with sufficient income or property, the proper docket and other lawful fees shall be assessed and collected by the clerk of court. If payment is not made within the time fixed by the court, execution shall issue or the payment thereof, without prejudice to such other sanctions as the court may impose.

*Cf.* Rule 141, sec. 18. *Indigent-litigants exempts from payment of legal fees.* – Indigent litigants (a) whose gross income and that of their immediate family do not exceed four thousand (P4,000.00) pesos a month if residing in Metro Manila, and three thousand (P3,000.00) pesos a month if residing outside Metro Manila, and (b) who do not own real property with an assessed value of more than fifty thousand (P50,000.00) pesos shall be exempt from the payment of legal fees.

The legal fees shall be a lien on any judgment rendered in the case favorably to the indigent litigant, unless the court otherwise provides. To be entitled to the exemption herein provided, the litigant shall execute an affidavit that he and his immediate family do not earn a gross income abovementioned, nor they own any real property with the assessed value aforementioned, supported by an affidavit of a disinterested person attesting to the truth of the litigant's affidavit.

**SECTION 4. *Standard of service.*** – A lawyer shall observe the same standard of service **for all clients, regardless of remuneration, except for the higher standard required for representation of vulnerable persons.** (14.04a)<sup>116</sup>

**CANON VI**  
**ACCOUNTABILITY**

By taking the lawyer’s oath, a lawyer becomes a guardian of the law and an administrator of justice. As such, the lawyer shall observe the highest degree of morality, adhere to rigid standards of mental fitness, and faithfully comply with the rules of the legal profession.

Failure to honor this covenant makes the lawyer unfit to continue in the practice of law and accountable to society, the courts, the legal profession, and the client. (n)

**SECTION 1. *Nature of disciplinary proceedings against lawyers.*** – **Disciplinary proceedings against lawyers** shall be confidential in character and summary in nature. (CBD Rules, Rule I, Sec. 4)<sup>117</sup>

**SECTION 2. *How instituted.*** – Proceedings for the disbarment, suspension, or discipline of **lawyers** may be **commenced** by the Supreme Court

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Any falsity in the affidavit of a litigant or disinterested person shall be sufficient cause to strike out the pleading of that party, without prejudice to whatever criminal liability may have been incurred.

<sup>116</sup> Rule 14.04 - A lawyer who accepts the cause of a person unable to pay his professional fees shall observe the same standard of conduct governing his relations with paying clients.

<sup>117</sup> Integrated Bar of the Philippines, Rules of Procedure of the Commission on Bar Discipline (hereafter “CBD Rules), rule I, sec. 4. *Nature of Proceeding.* Proceedings before the Commission shall be confidential in character and summary in nature.

**on its own initiative**, or upon the filing of a verified complaint **by** any person before the Supreme Court or the Integrated Bar of the Philippines (IBP). (R139-B, sec. 1)<sup>118</sup>

**A verified complaint filed with the Supreme Court may be referred to the IBP for investigation, report and recommendation.** (n)

**Complaints for disbarment, suspension and discipline filed against incumbent Justices of the Court of Appeals, Sandiganbayan, Court of Tax Appeals and judges of lower courts, or against lawyers in the judicial service, whether they are charged singly or jointly with other respondents, and whether such complaint deals with acts unrelated to the discharge of their official functions, shall be forwarded by the IBP to the Supreme Court**

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<sup>118</sup> RULES OF COURT, rule 139-B, sec. 1. *How Instituted.* — Proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or upon the filing of a verified complaint of any person before the Supreme Court or the Integrated Bar of the Philippines (IBP). The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts.

The IBP shall forward to the Supreme Court for appropriate disposition all complaints for disbarment, suspension and discipline filed against incumbent Justices of the Court of Appeals, Sandiganbayan, Court of Tax Appeals and judges of lower courts, or against lawyers in the government service, whether or not they are charged singly or jointly with other respondents, and whether or not such complaint deals with acts unrelated to the discharge of their official functions.

If the complaint is filed before the IBP, six (6) copies of the verified complaint shall be filed with the Secretary of the IBP or the Secretary of any of its chapter who shall forthwith transmit the same to the IBP Board of Governors for assignment to an investigator. (as amended by B.M. No. 1645)

**for appropriate disposition under Rule 140, as amended.** (n)

**SECTION 3. *Contents of the complaint.*** – The complaint **shall be verified.** It shall state clearly and concisely the **acts or omissions** complained of and shall be supported by **judicial** affidavits **and** such **other** documents **in support thereof.**

If the **verified** complaint is filed before the IBP, six (6) copies **thereof** shall be filed with the Secretary of the IBP or the Secretary of any of its chapters, who shall forthwith transmit the same to the IBP Board of Governors. (R139-B, sec. 1a<sup>119</sup>; CBD Rules, Rule II, sec. 1)<sup>120</sup>

**SECTION 4. *List of investigators; qualifications.***  
– **The IBP shall recommend to the Supreme Court fifty (50) lawyers in good standing and repute, whom the IBP shall proportionately select from its nine (9) regions.** (R139-B, sec. 2)<sup>121</sup>

<sup>119</sup> Id.

<sup>120</sup> CBD Rules, rule II, sec. 1. *How Instituted.* Complaint for disbarment, suspension or discipline of attorneys may be instituted before the Commission on Bar Discipline by filing six (6) copies of a verified complaint. Complaint may be likewise filed before the Supreme Court.

<sup>121</sup> RULES OF COURT, rule 139-B, sec. 2. *National Grievance Investigators.* – The Board of Governors shall appoint from among IBP members an Investigator or, when special circumstances so warrant, a panel of three (3) investigators to investigate the complaint. All Investigators shall take an oath of office in the form prescribed by the Board of Governors. A copy of the Investigator’s appointment and oath shall be transmitted to the Supreme Court.

An Investigator may be disqualified by reason of relationship within the fourth degree of consanguinity of affinity to any of the parties of their counsel, pecuniary interest, personal bias, or his having acted as counsel to his acting as such Investigator. Where the Investigator does not disqualify himself, a party may appeal to the IBP Board of Governors,



The list, with the *curriculum vitae* of the recommended lawyers, shall be submitted by the IBP within a month from the effectivity of the Code. (n)

Only those approved by the Supreme Court may be designated as investigators, who shall serve for a term of three (3) years, unless sooner removed, replaced or resigned. (n)

**SECTION 5. *Disqualification of investigator.***

– An Investigator shall, on his or her own initiative or upon motion, recuse from acting as such on the grounds of relationship within the sixth degree of consanguinity or affinity with any of the parties or their counsel, professional legal relationship, pecuniary interest, or where he or she has acted as counsel for either party, unless, in the last instance, the parties sign and enter upon the record their written consent.

Where an Investigator does not disqualify himself or herself, a party may file the appropriate action before the Supreme Court, which may order a disqualification and designate a replacement. (R139-B, sec. 2)<sup>122</sup>

**SECTION 6. *Appointment of investigators.*** –

The Board of Governors shall assign by raffle an investigator from among the lawyers approved by

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which by majority vote of the members present, there being a quorum, may order his disqualification.

Any Investigator may also be removed for cause, after due hearing, by the vote of at least six (6) members of the IBP Board of Governors. The decision of the Board of Governors in all cases of disqualification or removal shall be final.

<sup>122</sup> Id.

**the Supreme Court in the list submitted by the IBP** or, when special circumstances so warrant, a panel of three (3) investigators, to investigate the complaint. All investigators shall take an oath of office in the form prescribed by the Board of Governors. A copy of the Investigator's appointment and oath shall be transmitted to the Supreme Court. (R139-B, sec. 2)<sup>123</sup>

**SECTION 7. *Duties of the investigator.*** – The Investigator shall investigate **a complaint** against **any member** of the Integrated Bar referred by the IBP Board of Governors, **and thereafter submit a report embodying the recommended action to the Supreme Court within the period allowed.** (R139-B, sec. 3)<sup>124</sup>

**SECTION 8. *Submissions allowed; verification.***  
– The only **submissions** allowed are the complaint, answer, and position papers, **which shall be verified.** (CBD Rules, Rule III, sec. 1)<sup>125</sup>

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<sup>123</sup> Id.

<sup>124</sup> RULES OF COURT, rule 139-B, sec. 3. *Duties of the National Grievance Investigator.* – The National Grievance Investigators shall investigate all complaints against members of the Integrated Bar referred to them by the IBP Board of Governors.

<sup>125</sup> CBD Rules, rule III, sec. 1. *Pleadings.* The only pleadings allowed are verified complaint, verified answer and verified position papers. See B.M. No. 1755, where the Supreme Court ruled that: “Thus, in answer to the query of Deputy Clerk of Court and Bar Confidant Ma. Cristina B. Layusa dated March 17, 2008 on whether the February 12, 2008 Resolution in Bar Matter No. 1755 has effectively superseded Ramientas, the Court resolved as follows:

1. On the amendment to Secs. 1 and 2 of Rule III of the CBD Rules of Procedure, the *falla* in Ramientas is repealed and superseded by the February 12, 2008 Resolution. A party can no longer file a motion for reconsideration of any order or resolution of the Investigating Commissioner, such motion being a prohibited pleading.
2. Regarding the issue of whether a motion for reconsideration of a decision or resolution of the BOG can be entertained, an aggrieved party

**An unverified complaint, answer, or position paper** shall not be **considered**. (CBD Rules, Rule V, sec. 5)<sup>126</sup>

**SECTION 9. *Prohibited submissions.*** – The following **submissions are prohibited**:

- (a) Motion to dismiss the complaint or petition;
- (b) Motion for a bill of particulars;
- (c) Motion **to reopen or** for new trial;
- (d) Petition for relief from judgment;
- (e) Supplemental pleadings;
- (f) **Motion for reconsideration of a judgment on the merits, except a motion for reconsideration of an interlocutory order or resolution.** (CBD, Rule III, secs. 1 and 2)<sup>127</sup>

**SECTION 10. *Outright dismissal.*** – **Within fifteen (15) calendar days from assignment by**

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can file said motion with the BOG within fifteen (15) days from notice of receipt thereof by said party.”

<sup>126</sup> CBD Rules, rule V, sec. 5. *Non-appearance of Parties, and Non-verification of Pleadings.* a) Non-appearance at the mandatory conference or at the clarificatory questioning date shall be deemed a waiver of right to participate in the proceeding. *Ex parte* conference or hearings shall then be conducted. Pleadings submitted or filed which are not verified shall not be given weight by the Investigating Commissioner.

<sup>127</sup> CBD Rules, rule III, sec. 2. *Prohibited Pleadings.* The following pleadings shall not be allowed, to wit:

- a. Motion to dismiss the complaint or petition
- b. Motion for a bill of particulars
- c. Motion for new trial
- d. Petition for relief from judgment
- e. Supplemental pleadings

raffle, if the investigator finds no *prima facie* showing of liability, the investigator shall recommend the outright dismissal of the complaint to the IBP Board of Governors. The **IBP Board of Governors** may adopt the recommendation and dismiss the complaint outright. Otherwise, it shall direct the investigator to **conduct** further proceedings.

- (a) In case of dismissal **of a complaint charging a light offense**, the IBP shall furnish the Supreme Court with a copy of the order of dismissal and the report and recommendation of the investigator. **The decision of the IBP Board of Governors shall be final and not subject to appeal or a petition for certiorari under Rule 65 of the Rules of Court.**
- (b) **In case of dismissal of a complaint charging a less serious or serious offense, the complainant may appeal the dismissal to the Supreme Court within a period of ten (10) calendar days from receipt of the order.** (R139-B, sec. 5)<sup>128</sup>

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<sup>128</sup> Rule 139-B, sec. 5. *Service or dismissal*. – If the complaint appears to be meritorious, the Investigator shall direct that a copy thereof be served upon the respondent, requiring him to answer the same within fifteen (15) days from the date of service. If the complaint does not merit action, or if the answer shows to the satisfaction of the Investigator that the complaint is not meritorious, the Investigator will recommend to the Board of Governors the dismissal of the complaint. Thereafter, the procedure in Section 12 of this Rule shall apply.

No investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same, unless the Supreme Court *motu proprio* or upon recommendation of the IBP Board of Governors, determines that there is no compelling reason to continue with the disbarment or suspension proceedings against the respondent. (as amended by B.M. No. 1645)

**SECTION 11. *Issuance of summons.*** – Within five (5) calendar days from assignment by raffle, the investigator shall issue the required summons, attaching thereto a copy of the verified complaint and supporting documents, if any. The summons shall require the respondent to file a verified answer. (CBD, Rule III, sec. 3)<sup>129</sup>

**SECTION 12. *Verified answer.*** – The answer shall be verified and filed within thirty (30) calendar days from receipt of the summons. (CBD, Rule III, sec. 3)<sup>130</sup> The verified answer shall be accompanied by judicial affidavits and such other documents in support thereof.

The respondent may, for good cause, be given one extension of fifteen (15) calendar days to file the verified answer.

Two (2) copies of the verified answer shall be filed with the Investigator, with proof of service on the complainant or the latter's counsel. (R139-B, sec. 6)<sup>131</sup>

**SECTION 13. *Dismissal after answer.*** – If the verified answer shows to the satisfaction of the Investigator that the complaint is not meritorious,

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<sup>129</sup> CBD Rules, Rule III, sec. 3. *Issuance of Summons.* Within two (2) days from receipt of the verified complaint, the Commission shall issue the required summons, attaching thereto a copy of the complaint and supporting documents, if any. The summons shall indicate that the respondent has fifteen (15) days from receipt within which to file six (6) verified copies of his answer

<sup>130</sup> Id.

<sup>131</sup> RULES OF COURT, rule 139-B, sec. 6. *Verification and service of answer.* – The answer shall be verified. The original and five (5) legible copies of the answer shall be filed with the Investigator, with proof of service of a copy thereof on the complainant or his counsel.

the Investigator **shall** recommend to the Board of Governors the dismissal of the complaint. Otherwise, it shall direct the investigator to **conduct** further proceedings.

- (a) **In case of dismissal of a complaint charging a light offense, the IBP shall furnish the Supreme Court with a copy of the order of dismissal and the report and recommendation of the investigator. The decision of the IBP Board of Governors shall be final and not subject to appeal or a petition for certiorari under Rule 65 of the Rules of Court.**
- (b) **In case of dismissal of a complaint charging a less serious or serious offense, the complainant may appeal the dismissal to the Supreme Court within a period of ten (10) calendar days from receipt of the order.** (R139-B, sec. 5)<sup>132</sup>

**SECTION 14. *Irrelevance of desistance, settlement, compromise, restitution, withdrawal, or failure to prosecute.*** – No investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same. (R139-B, sec. 5)<sup>133</sup>

**SECTION 15. *Counsel de officio.*** – The IBP Board of Governors shall appoint a suitable member of the Integrated Bar as counsel **de officio** to assist the complainant or the respondent during

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<sup>132</sup> Supra note 122.

<sup>133</sup> Id.

the investigation in case of need for such assistance. (R139-B, sec. 7)<sup>134</sup>

**SECTION 16. *Investigation.*** – Upon joinder of issues or upon failure of the respondent to answer, the Investigator shall proceed with the investigation of the case **with dispatch**. However, if **despite** reasonable notice, the respondent fails to **file an answer or** appear, the investigation shall proceed *ex parte*. (R139-B, sec. 8)<sup>135</sup>

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<sup>134</sup> RULES OF COURT, Rule 139-B, sec. 7. *Administrative counsel.* – The IBP Board of Governors shall appoint a suitable member of the Integrated Bar as counsel to assist the complainant of the respondent during the investigation in case of need for such assistance.

<sup>135</sup> RULES OF COURT, Rule 139-B, sec. 8. *Investigation.* – Upon joinder of issues or upon failure of the respondent to answer, the Investigator shall, with deliberate speed, proceed with the investigation of the case. He shall have the power to issue subpoenas and administer oaths. The respondent shall be given full opportunity to defend himself, to present witnesses on his behalf, and be heard by himself and counsel. However, if upon reasonable notice, the respondent fails to appear, the investigation shall proceed *ex parte*.

The Investigator shall terminate the investigation within three (3) months from the date of its commencement, unless extended for good cause by the Board of Governors upon prior application.

Willful failure or refusal to obey a subpoena or any other lawful order issued by the Investigator shall be dealt with as for indirect contempt of court. The corresponding charge shall be filed by the Investigator before the IBP Board of Governors which shall require the alleged contemnor to show cause within ten (10) days from notice. The IBP Board of Governors may thereafter conduct hearings, if necessary, in accordance with the procedure set forth in this Rule for hearings before the Investigator. Such hearing shall as far as practicable be terminated within fifteen (15) days from its commencement. Thereafter, the IBP Board of Governors shall within a like period of fifteen (15) days issue a resolution setting forth its findings and recommendations, which shall forthwith be transmitted to the Supreme Court for final action and if warranted, the imposition of penalty.

The respondent shall be given full opportunity to defend and be heard by himself **or herself, or counsel**, and to present witnesses. (R139-B, sec. 8)<sup>136</sup>

**The Investigator** shall have the power to issue **subpoenae** and administer oaths. (R139-B, sec. 8)<sup>137</sup>

The **investigation** shall **be** terminated within **ninety (90) calendar days** from the date of its commencement, unless extended for good cause by the Board of Governors upon prior application **by the Investigator, for a period not exceeding ninety (90) calendar days. The entire investigation shall be completed in one hundred eighty (180) calendar days from date of its commencement.** (R139-B, sec. 8)<sup>138</sup>

**SECTION 17. *Indirect contempt.*** – Willful failure or refusal to obey a subpoena or any other lawful order issued by the Investigator shall be dealt with as indirect contempt of court. The **Investigator** shall require the alleged contemnor to show cause within ten (10) **calendar** days from notice. **Upon receipt of the compliance or lapse of the period to comply, the Investigator** may conduct **a** hearing, if necessary, in accordance with the procedure set forth under Canon VI, Section 20 for hearings before the Investigator. Such hearing shall be terminated within fifteen (15) **calendar** days from commencement. Thereafter, the **Investigator** shall **prepare a report and recommendation,** within a period of fifteen

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<sup>136</sup> Id.

<sup>137</sup> Id.

<sup>138</sup> Id.



(15) calendar days, to the IBP Board of Governors.  
(R139-B, sec. 8)<sup>139</sup>

The IBP Board of Governors may either adopt, modify or disapprove the recommendation of the Investigator within thirty (30) calendar days from receipt of the Investigator's report. The action of the IBP Board of Governors shall be immediately executory. (n)

The action of the IBP Board of Governors may be appealed to the Supreme Court. The execution of the order of contempt shall not be suspended, unless a bond is filed by the person adjudged in contempt, in an amount fixed by the IBP Board of Governors, conditioned upon compliance with and performance of the final action in the contempt case, if decided against the contemnor. (R71.11)<sup>140</sup>

**SECTION 18. *Mandatory conference.*** – Immediately upon receipt of the verified answer, the **Investigator** shall set a mandatory conference where the following matters shall be taken:

- (a) Admissions;
- (b) Stipulation of facts;

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<sup>139</sup> Id.

<sup>140</sup> RULES OF COURT, rule 71, sec. 11. *Review of judgment or final order; bond for stay.* – The judgment or final order of a court in a case of indirect contempt may be appealed to the proper court as in criminal cases. But execution of the judgment or final order shall not be suspended until a bond is filed by the person adjudged in contempt, in an amount fixed by the court from which the appeal is taken, conditioned that if the appeal be decided against him he will abide by and perform the judgment or final order.

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- (c) Definition of issues; (CBD, Rule V, sec. 1)<sup>141</sup>
- (d) **Limitation of the number and identification of witnesses, and the substance of their testimonies;** (R18.2(d))
- (e) **Marking of the parties' evidence:**
- (1) **Examine and make comparisons of the adverse parties' evidence vis-à-vis the copies to be marked.**
- (2) **Manifest for the record stipulations regarding the faithfulness of the reproductions and the genuineness and due execution of the adverse parties' evidence;**
- (3) **Reserve evidence not available at the mandatory conference, but only in the following manner:**
- i. **For testimonial evidence, by giving the name or position and the nature of the testimony of the proposed witness;**
- ii. **For documentary evidence and other object evidence, by giving a particular description of the evidence.**

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<sup>141</sup> CBD Rules, rule V, sec. 1. *Mandatory Conference*. Immediately upon receipt of the verified answer, the Investigating Commissioner shall set a mandatory conference where, the following matters shall be taken:

1. Admissions
2. Stipulation of facts
3. Definition of issues

No reservation shall be allowed if not made in the manner described above. (R18.2) **Reserved evidence shall be submitted together with the reserving party's position paper. Evidence not presented during the mandatory conference or reserved thereat shall not be admitted.**

**SECTION 19. *Mandatory conference order; position papers.* – Within ten (10) calendar days from termination of the mandatory conference, the Investigator shall issue a Mandatory Conference Order summarizing the proceedings, including any stipulations or admissions, definition of issues, and marking of evidence, or reservations. (n)**

The Investigator shall further direct the parties to submit their verified position papers with supporting documents and judicial affidavits within a **non-**extendible period of ten (10) **calendar** days from receipt **of the order.** (CBD, Rule V, sec. 2)<sup>142</sup>

**SECTION 20. *Discretionary hearing.* – Within ten (10) calendar days from receipt of the last position paper, the Investigator shall determine whether there is a need to conduct a hearing to clarify factual issues and confront witnesses.**

If **deemed** necessary, the Investigator shall issue a notice setting the hearing **within fifteen (15) calendar days from such determination, and identifying the factual issues to be made subject of the hearing.**

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<sup>142</sup> CBD Rules, rule V, sec. 2. *Submission of Position Papers.* After the mandatory conference, the Investigating Commissioner shall direct both parties to submit simultaneously their verified position papers with supporting documents and affidavits within an inextendible period of ten (10) days from notice of termination of the mandatory conference.

The **Investigator may subpoena** any witness **to appear at the hearing and ask clarificatory questions.** **Thereafter, the Investigator may allow the parties to confront the witnesses and propound their own clarificatory questions on the factual issues identified by the Investigator.** (CBD, Rule V, sec. 3)<sup>143</sup>

**The discretionary hearing shall be terminated within thirty (30) calendar days from its commencement.**  
(n)

**SECTION 21. *Minutes of proceedings.*** – The proceedings before the IBP shall be recorded. (CBD, Rule V, sec. 4)<sup>144</sup>

**SECTION 22. *Non-appearance of parties.*** – Non-appearance at the mandatory conference or at the **discretionary hearing** shall be deemed a waiver of **the** right to participate **therein.** (CBD, Rule V, sec. 5)<sup>145</sup>

**SECTION 23. *Issuance of report and recommendation; submission to the Supreme***

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<sup>143</sup> CBD Rules, rule V, sec. 3. *Determination of Necessity of Clarificatory Questioning.* Immediately after the submission by the parties of their position papers, the Investigating Commissioner shall determine whether there is a need to conduct clarificatory questioning. If necessary, a hearing date shall be set wherein the Investigating Commissioner shall ask clarificatory questions to the parties or their witnesses to further elicit facts or informations.

<sup>144</sup> CBD Rules, rule V, sec. 4. *Minutes of Proceedings.* The proceedings before the Commission shall be recorded.

<sup>145</sup> CBD Rules, rule V, sec. 5. *Non-appearance of Parties, and Non-verification of Pleadings.* a) Non-appearance at the mandatory conference or at the clarificatory questioning date shall be deemed a waiver of right to participate in the proceeding. Ex parte conference or hearings shall then be conducted. Pleadings submitted or filed which are not verified shall not be given weight by the Investigating Commissioner.

**Court.** – The Investigator shall **render a report and recommendation and submit the same to the Supreme Court within thirty (30) calendar days from receipt of the last position paper or lapse of the period given.** (CBD, Rule V, secs. 6, 7)<sup>146</sup>

**In case the Investigator sets a discretionary hearing,** the report and recommendation shall be rendered and submitted to the Supreme Court **within fifteen (15) calendar days from the termination of the hearing.** (CBD, Rule V, secs. 6, 7)<sup>147</sup>

**The report and recommendation shall be accompanied by** the **duly certified** transcript of stenographic notes, **or in lieu thereof, the audio recording, if any, or the Investigator’s personal notes duly signed, which should be attached to the records, together with** the evidence presented during the investigation. The submission of the report need not await the transcription of the stenographic notes, it being sufficient that the report reproduce substantially from the Investigator’s personal notes any relevant and pertinent testimonies. (R139-B, sec. 10)<sup>148</sup>

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<sup>146</sup> CBD Rules, rule V, sec. sec. 6. *Issuance of an Order Submitting the Case for Decision.* After the parties have submitted their position papers or after the clarificatory questioning date, the Investigating Commissioner shall issue an order expressly declaring the submission of the case for resolution.

CBD Rules, rule V, sec. 7. *Period to Resolve Case.* The Investigating Commissioner shall submit his report and recommendation to the Board of Governors within thirty (30) calendar days from the date the order declaring the submission of the case for resolution was issued.

<sup>147</sup> Id.

<sup>148</sup> RULES OF COURT, rule 139-B, sec. 10. *Report of Investigator.* – Not later than thirty (30) days from the termination of the investigation, the Investigator shall submit a report containing his findings of fact and

**If the hearing is conducted through videoconferencing, the proceedings shall be recorded by the Investigator. It shall form part of the records of the case, appending thereto relevant electronic documents taken up or issued during the hearing.**  
(A.M. No.20-12-01-SC, II.B.8.)<sup>149</sup>

**SECTION 24. *Depositions.*** – Depositions may be taken in accordance with **the Rules of Civil Procedure, as amended,** with leave of the Investigator.  
(R139-B, sec. 9)<sup>150</sup>

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recommendations to the IBP Board of Governors, together with the stenographic notes and the transcript thereof, and all the evidence presented during the investigation. The submission of the report need not await the transcription of the stenographic notes, it being sufficient that the report reproduce substantially from the Investigator’s personal notes any relevant and pertinent testimonies.

<sup>149</sup> A.M. No. 20-12-01-SC, Guidelines on the Conduct of Videoconferencing, II.B.8. *Recording the videoconferencing hearing.* – The proceedings through videoconferencing shall be recorded by the court. It shall form part of the records of the case, appending thereto relevant electronic documents taken up or issued during the hearing. An encrypted master copy shall be retained by the court, while a backup copy shall be stored in a safe location. Litigants and their counsel may be allowed to view the recording upon application with and approval of the court. The court stenographer or other recorded authorized for the purpose shall, nonetheless, still transcribe stenographic notes to be attached to the records of the case.

<sup>150</sup> RULES OF COURT, rule 139-B, sec. 9. *Depositions.* – Depositions may be taken in accordance with the Rules of Court with leave of the investigator(s). Within the Philippines, depositions may be taken before any member of the Board of Governors, the President of any Chapter, or any officer authorized by law to administer oaths.

Depositions may be taken outside the Philippines before diplomatic or consular representative of the Philippine Government or before any person agreed upon by the parties or designated by the Board of Governors.

Any suitable member of the Integrated Bar in the place where a deposition shall be taken may be designated by the Investigator to assist the complainant or the respondent in taking a deposition.

**SECTION 25. *Oath or affirmation.*** – The Investigator has the authority to administer oaths **and affirmations in relation to** the conduct of the proceedings. (CBD, Rule VI, sec. 1)<sup>151</sup>

**SECTION 26. *Filing and service.*** – **The filing and the** service of papers or notices required by **this Canon** shall be made with the Commission, or upon the parties personally, by registered mail, **accredited courier, electronic mail or other electronic means, or as provided for in international conventions to which the Philippines is a party.** (CBD, Rule VI, sec. 3; R13.5)

**Proof of filing and service shall be submitted in accordance with the Rules of Civil Procedure, as amended.** (n)

**SECTION 27. *Substantial defects; motion to reopen.*** – **Any substantial defect which may result in the miscarriage of justice may be raised as an error before the Supreme Court, unless the defect results in the deprivation of the right to due process. In such case, the matter may be brought before the IBP Board of Governors by way of a motion to reopen within sixty (60) calendar days from knowledge.** (R139-B, sec. 11)<sup>152</sup>

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<sup>151</sup> CBD Rules, rule VI, sec. 1. *Oaths.* A Commissioner has the authority to administer oaths on the conduct of the proceedings before him/her.

<sup>152</sup> RULES OF COURT, rule 139-B, sec. 11. *Defects.* – No defect in a complaint, notice, answer, or in the proceeding or the Investigator’s Report shall be considered as substantial unless the Board of Governors, upon considering the whole record, finds that such defect has resulted or may result in a miscarriage of justice, in which event the Board shall take such remedial action as the circumstances may warrant, including invalidation of the entire proceedings.

**SECTION 28. *Proceedings initiated before the Supreme Court.*** - In proceedings initiated by the Supreme Court, or proceedings commenced by complaint filed with the Supreme Court, the Supreme Court may refer the case for investigation, report and recommendation to the Office of the Bar Confidant, or other fact-finding body, or the IBP.

Cases referred to the Office of the Bar Confidant, or other fact-finding body, or the IBP shall proceed in the same manner provided in sections 7 to 27.

In any event, the report and recommendation on the investigation shall be reviewed directly by the Supreme Court. (R139-B, sec. 13)<sup>153</sup>

**SECTION 29. *Preventive suspension.*** - After receipt of respondent's answer or lapse of the period therefor, the Supreme Court, on its own initiative, or upon the recommendation of the IBP Board of Governors, may suspend a lawyer from the practice of law during the pendency of the investigation, until such suspension is lifted by the Supreme Court, in order to prevent interference with or obstruction of the investigation, tampering, concealment or

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<sup>153</sup> RULES OF COURT, rule 139-B, sec. 13. *Investigation of complaints.* - In proceedings initiated by the Supreme Court, or in other proceedings when the interest of justice so requires, the Supreme Court may refer the case for investigation to the Office of the Bar Confidant, or to any officer of the Supreme Court or judge of a lower court, in which case the investigation shall proceed in the same manner provided in sections 6 to 11 hereof, save that the review of the report of investigation shall be conducted directly by the Supreme Court. The complaint may also be referred to the IBP for investigation, report, and recommendation. (as amended by B.M. No. 1645)



**destruction of evidence, intimidating or exerting undue influence on any witness.** (R139-B, sec. 15)<sup>154</sup>

**SECTION 30. *Action on the report and recommendation.* – The Supreme Court shall take such necessary action on the report and recommendation as may be warranted.<sup>155</sup> The Supreme Court may also refer the report and recommendation to the Office of the Bar Confidant, or any other office designated for the purpose, for evaluation.<sup>156</sup> (n)**

**SECTION 31. *Quantum and burden of proof.* – In administrative disciplinary cases, the complainant has the burden of proof to establish with substantial evidence the allegations against the respondent. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.<sup>157</sup> (n)**

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<sup>154</sup> RULES OF COURT, rule 139-B, sec. 15. *Suspension of attorney by Supreme Court.* – After receipt of respondent’s answer or lapse of the period therefor, the Supreme Court, *motu proprio*, or upon the recommendation of the IBP Board of Governors, may suspend an attorney from the practice of his profession for any of the causes specified in Rule 138, section 27, during the pendency of the investigation until such suspension is lifted by the Supreme Court. (as amended by B.M. No. 1645)

<sup>155</sup> RULES OF COURT, rule 140, sec. 12.

<sup>156</sup> Pursuant to the recent comment of CJ that we should draft the CPR in anticipation of the creation of the Office of Bar Discipline

<sup>157</sup> RULES OF COURT, rule 133, sec. 6. *See also Tan v. Atty. Alvarico*, A.C. No. 10933, 3 November 2020, where the Supreme Court ruled: “Substantial evidence is defined under Section 6, Rule 133 of the 2019 Amendments to the 1989 Revised Rules on Evidence as ‘that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion,’ while burden of proof is defined under Section 1, Rule 131 as ‘the duty of a party to present evidence on the facts in issue necessary to establish his or her claim or defense by the amount of evidence required by law.’”

**SECTION 32. *Serious offenses.*<sup>158</sup> – Serious offenses include:**

- (1) Gross misconduct, or any inexcusable, shameful or flagrant unlawful conduct;<sup>159</sup>**
- (2) Serious dishonesty, fraud, or deceit, including falsification of documents and making untruthful statements;<sup>160</sup>**

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The basic rule is that reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on. Charges based on mere suspicion and speculation cannot be given credence. Thus, failure on the part of complainant to discharge his burden of proof by substantial evidence requires no other conclusion than that which stays the hand of the Court from meting out a disbarment order." (citations omitted)

<sup>158</sup> Cf. RULES OF COURT, rule 138, sec. 27. *Attorneys removed or suspended by Supreme Court on what grounds.* – A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willful appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

<sup>159</sup> Gross misconduct is any inexcusable, shameful or flagrant unlawful conduct on the part of a person concerned with the administration of justice; i.e., conduct prejudicial to the rights of the parties or to the right determination of the cause. (*Flores v. Mayor, Jr.*, A.C. No. 7314 (Resolution), [August 25, 2015], 767 PHIL 687-695.). The definition is quite broad. It covers filing suits with corrupt motives; executing documents without knowledge of the client; inducing a person to purchase inexistent properties; indiscriminate firing of a handgun; case-fixing; taking advantage of office for the benefit of relatives; soliciting money from clients to be given to a judge.

<sup>160</sup> Rule 140 only involves serious dishonesty. However, the ABA Rule 8.4 (c) is broader because it penalizes engagement in conduct involving dishonesty, fraud, deceit or misrepresentation. It is suggested to make

- (3) **Bribery or corruption,**<sup>161</sup>
- (4) **Gross negligence in the performance of duty, or conduct that is reckless and inexcusable that the client is deprived of his or her day in court,**<sup>162</sup>
- (5) **Conviction of a crime involving moral turpitude;**
- (6) **Grossly immoral conduct, or an act that is so corrupt or false as to constitute a criminal act, or so immoral as to be reprehensible to a high degree;**<sup>163</sup>
- (7) **Misappropriating a client's funds or properties;**
- (8) **Gross ignorance of the law or procedure, or the disregard of basic rules and settled jurisprudence,**<sup>164</sup> **when attended by bad faith, malice or corrupt motive;**

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the definition broader. Some examples: Falsifying a court decision, public document, issuing of fraudulent checks; misrepresenting information in a government agency; false statement in the bar application.

<sup>161</sup> Under Rule 140, it is designated as "Bribery, direct and indirect, and violations of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019)."

<sup>162</sup> Some examples: Failure to render legal services despite payment of fees; failure to return legal fees despite demand of the client; failure to appear repeated at a hearing; failure to file a crucial pleading or motion without justifiable reason; failure to inform the client of a judgment, which would be the basis of an appeal/ *See Engr. Paluca v. Comm'n on Audit*, G.R. No. 218240, 28 June 2016, citing *Almendras, Jr. v. Almendras*, G.R. No. 179491, 14 January 2015.

<sup>163</sup> *See Atty. Santos v. Atty. Tan*, A.M. No. 2697, 19 April 1991; *Fabugais v. Atty. Faundo, Jr.*, A.C. No. 10145, 11 June 2018.

<sup>164</sup> *See Philippine National Construction Corp. v. Hon. Mupas*, A.M. No. RTJ-20-2593, 10 November 2020. But the IBP-TWG suggests that ignorance of the law is only a less serious offense.

- (9) Highly undignified conduct prejudicial to the administration of justice;<sup>165</sup>
- (10) Sexual abuse;
- (11) Gender-based harassment or discrimination;
- (12) Open defiance to any order of the court, tribunal, or other government agency;<sup>166</sup>
- (13) Threat of physical or economic harm, amounting to a crime, directed at a fellow lawyer, the latter's client or principal, a witness, or any official or employee of a court, tribunal, or other government agency;
- (14) Willful and deliberate forum shopping;
- (15) Intentional violation of the rule on privileged communication;<sup>167</sup>
- (16) Violation of the notarial rules, except reportorial requirements;<sup>168</sup>

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<sup>165</sup> It is suggested that undignified conduct, whether committed in a professional or private capacity, when prejudicial to the administration of justice, should be serious offense. However, if the undignified conduct (vulgar language), does not automatically prejudice the legal profession, it can be either less serious or light offense. ABA Rule 8.4 (d) engage in conduct that is prejudicial to the administration of justice; Section 8. Canon II - Propriety, Dignified Conduct. - A lawyer shall respect the law, the courts and tribunals, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar. xxx

<sup>166</sup> Based on the original Section 27, Rule 138.

<sup>167</sup> The IBP-TWG recommends that this only be a light offense with only a penalty of reprimand.

<sup>168</sup> The IBP-TWG recommends that when there is any violation of the notarial rules, there should be a uniform penalty of revocation of commission. It should be suspension from the practice of law for 1 year; disqualification from being a notary for 2 years

- (17) **Intentional violation of the conflict of interest rules;**<sup>169</sup>
- (18) **Using one's influence or relationships to obtain a favorable action on, or outcome in, any pending matter or proceeding, directly or indirectly, with or without monetary consideration, from any officer of a court, tribunal or other government agency;**<sup>170</sup>
- (19) **Unlawful Discrimination;**<sup>171</sup>
- (20) **Unauthorized practice of law.**<sup>172</sup> **A non-lawyer who engages in the practice of law shall be subject to contempt; and**

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<sup>169</sup> Most violations of the rules on conflict of interest are serious in character. However, there may be some conflict of interest situations that would only constitute as less serious offense.

<sup>170</sup> ABA Rule 8.4 (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; Section 11. Improper claim of influence or familiarity. xxx A lawyer shall not make claims of power, influence, or relationship with any officer of a court, tribunal, or other government agency.

<sup>171</sup> ABA Rule 8.4 (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law; Canon V, Section 1. Non-discrimination. – A lawyer shall not decline to represent a person solely on account of the latter's race, sexual orientation or gender identity, religion, disability, age, marital status, social or economic status, or such lawyer's or the public's opinion regarding the guilt of said person, except for justifiable reasons.

<sup>172</sup> This includes practicing law while suspended; allowing the non-lawyers (accountants, foreign lawyers, paralegals) to practice law; government lawyer engaging in unauthorized private practice; representing a client without being engaged. IBP-TWG suggests that some unauthorized practice of law should only be a less serious offense.

- (21) Sale, distribution, possession and/or use of illegal drugs or substances. (n)

**SECTION 33. *Less serious offenses.* – Less serious offenses include:**

- (1) Simple misconduct, or such misconduct without the manifest elements of corruption, clear intent to violate the law or flagrant disregard of established rules;<sup>173</sup>
- (2) Simple negligence in the performance of duty, or such negligence which does not result in depriving the client of his or her day in court;<sup>174</sup>
- (3) Violation of Supreme Court rules and issuances in relation to Bar Matters and administrative disciplinary proceedings;<sup>175</sup>
- (4) Simple dishonesty;<sup>176</sup>
- (5) Other violations of the conflict of interest rules;<sup>177</sup>

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<sup>173</sup> See *Domingo v. Civil Service Comm'n and Manalo*, G.R. No. 236050, 17 June 2020.

<sup>174</sup> See *Ong Lay Hin v. Court of Appeals et al.*, G.R. No. 191972, 26 January 2015.

<sup>175</sup> The IBP-TWG records the following penalties: Failure to comply with court directives (3 months suspension); failure to comply with IBP directives (reprimand).

<sup>176</sup> Broad; Example: Canon II, Section X. Prohibition against misleading the court or tribunal. - A lawyer shall not misquote, misrepresent, or mislead the court as to the existence or the contents of any document, argument, evidence, law, or other legal authority, or pass off as one's own the ideas or words of another, or assert as a fact that which has not been proven. The IBP-TWG gives some more examples: misrepresenting personal qualifications.

<sup>177</sup> Some less serious conflict of interest would be: failure of the new lawyer to disclose to the firm conflict of interest; conflict of interest in LSO;

- (6) **Prohibited borrowing of money from a client;**
- (7) **Prohibited lending of money;**<sup>178</sup>
- (8) **Other threats;**
- (9) **Instituting frivolous or baseless actions, on the basis of a final decision or order dismissing such action for being frivolous or baseless;**
- (10) **Violation of the *sub judice* rule;**
- (11) **Deliberate failure or refusal to pay just debts;**<sup>179</sup>
- (12) **Termination of legal services absent good cause and written notice;**<sup>180</sup>
- (13) **Use of intemperate or offensive language before any court, tribunal, or other government agency;**<sup>181</sup>

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conflict of interest in corporations; conflict of interest due to romantic relations; conflict of interest for movie or documentary rights.

<sup>178</sup> In *Tangcay v. Cabarroguis*, A.C. No. 11821 (Resolution), [April 2, 2018], it was held that unjustifiable lending money shall result to a less serious offense (3 months suspension).

<sup>179</sup> In *Cham v. Paita-Moya*, A.C. No. 7494 (Resolution), [June 27, 2008], 578 PHIL 566-576, the Court held that deliberate failure to pay just debts, without issuing a worthless check is a less serious misconduct (1-3 months suspension)

<sup>180</sup> IBP-TWG suggests that this be penalized by suspension for 6 months; Canon III, Section X. Termination of engagement by the lawyer. - A lawyer shall withdraw from the lawyer-client relationship engagement only for good cause and upon written notice.

<sup>181</sup> IBP-TWG suggests that use of offense language in pleadings and intemperate language in court should be a less serious offense.

- (14) Unjustifiable failure or refusal to render an accounting of the funds or properties of a client;<sup>182</sup> and
- (15) Unauthorized division of fees with a non-lawyer.<sup>183</sup> (n)

**SECTION 34. *Light offenses.* – Light offenses include:**

- (1) Violation of IBP rules and issuances governing membership in the IBP;
- (2) Use of vulgar or offensive language in personal dealings;<sup>184</sup>
- (3) Fraternizing with the officials or employees of a court, tribunal, or other government agency where the respondent has a pending case or cases, as to give the appearance of power or influence over them, or which tends to create an impression of impropriety;
- (4) Failure to promptly call upon client to rectify a fraudulent act;<sup>185</sup> or
- (5) Other similar infractions. (n)

<sup>182</sup> IBP-TWG suggests that this should not be penalized. However, since it involves the trust and confidence of a client, it is recommended that it be treated as a less serious offense.

<sup>183</sup> IBP-TWG suggests the dividing legal fees with persons not authorized to practice law is a less serious offense.  
Section X. Non-Sharing of Fees with Non-Lawyers. – A lawyer shall not share, split, or stipulate to divide, directly or indirectly, a fee for legal services with persons or organizations not licensed or authorized to practice law.

<sup>184</sup> Use of vulgar language in personal matters; the IBP TWG recommended to delete “Conduct Unbecoming” because any violation of the Code is conduct unbecoming of the lawyer.

<sup>185</sup> IBP-TWG suggests that this is penalized by reprimand.



**SECTION 35. *Assisting in the commission of an offense.* – Any lawyer who shall knowingly assist another lawyer in the commission of any serious, less serious, or light offense punished by this Code may also be held liable.<sup>186</sup> (n)**

**SECTION 36. *Sanctions.* –**

- (a) **If the respondent is found guilty of a serious offense, any of the following sanctions, or a combination thereof,<sup>187</sup> shall be imposed:**
- (1) **Disbarment;**
  - (2) **Suspension from the practice of law for a period exceeding six (6) months;<sup>188</sup>**
  - (3) **Revocation of notarial commission and disqualification as notary public for not less than two (2) years; or**
  - (4) **A fine exceeding Php100,000.00.**
- (b) **If the respondent is found guilty of a less serious offense, any of the following sanctions, or a combination thereof, shall be imposed:**
- (1) **Suspension from the practice of law for a period within the range of one (1) month to six (6) months;**

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<sup>186</sup> ABA Rule 8.4 (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

<sup>187</sup> There are instances when the Court imposes more than one sanction for a particular violations, especially in violation of the notarial rules.

<sup>188</sup> Under Rule 140, the suspension for a serious charge has a maximum ceiling of 1 year; however, considering that the Court has in many instances, suspended a lawyer for more than 1 year, the ceiling may not be appropriate.

- (2) A fine within the range of P35,000.00 to P100,000.00.
- (c) If the respondent is found guilty of a light offense, any of the following sanctions shall be imposed:
  - (1) A fine within the range of P1,000.00 to P35,000.00;
  - (2) Censure; or
  - (3) Reprimand.

In all instances, when the charge involves money or property owed, which is intrinsically linked to the lawyer-client relationship, the respondent shall be ordered to return the same.<sup>189</sup> (n)

**SECTION 37. *Modifying circumstances.* – In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:**

- (a) Mitigating circumstances:
  - (1) First offense, except in charges of gross misconduct, bribery or corruption, grossly immoral conduct, misappropriating a client’s funds or properties, sexual abuse, and sale, distribution, possession and/or use of illegal drugs or substances;
  - (2) Absence of bad faith or malice;

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<sup>189</sup> See *Sison, Jr. v. Camacho*, A.C. No. 10910, 12 January 2016, 777 PHIL 1-16, where it was stated that “[d]isciplinary proceedings revolve around the determination of the respondent-lawyer’s administrative liability, which must include those intrinsically linked to his professional engagement.”

- (3) Return of the amounts owed;
  - (4) Expression of remorse;
  - (5) Reconciliation with the complainant;<sup>190</sup>
  - (6) Rectification of wrongdoing;<sup>191</sup>
  - (7) Act or omission did not prejudice the client;<sup>192</sup>
  - (8) Age;
  - (9) Humanitarian considerations;<sup>193</sup> **and**
  - (10) Other analogous circumstances.
- (b) Aggravating Circumstances:
- (1) Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity;
  - (2) Age;
  - (3) Employment of fraudulent means to conceal the offense;

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<sup>190</sup> IBP-TWG suggested that respondent apologized to complainant. However, the apology must be accepted. Hence, "reconciliation."

<sup>191</sup> IBP-TWG suggested candor or admission of wrongdoing; it should be something more, hence, the word "rectification."

<sup>192</sup> IBP-TWG suggested that the act committed did not seriously affect the standing and character of respondent. However, the mitigating circumstance should be viewed on the standing of the client, not the lawyer.

<sup>193</sup> *In Egger v. Atty. Duran, A.C. No. 11323*, 14 September 2016, 795 Phil. 9, the Supreme Court tempered the penalty to be imposed of the lawyer on the basis of humanitarian and equitable considerations, particularly, the "dire financial condition brought by Typhoon Yolanda and [the lawyer's] willingness to return the money he received from complainant as soon as he recovers from such economic status."

- (4) Respondent's act or omission was tainted with bad faith or malice;
- (5) Lack of remorse;
- (6) Failure to comply with the orders of the Court and the IBP in relation to an administrative case;
- (7) Propensity to repeat the offense;
- (8) Commission of an act prejudicial to the client;
- (9) Engaging in the practice of law despite suspension or disbarment; and
- (10) Other analogous circumstances. (n)

**SECTION 38. Manner of imposition. – If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.**

**If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.**

**If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.** (R140.20)<sup>194</sup> (n)

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<sup>194</sup> RULES OF COURT, rule 140, sec. 20. *Manner of Imposition.* -If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for

**SECTION 39. *Penalty for multiple offenses.* – If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension from the practice of law or P1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of disbarment.**

**If a single act or omission gives rise to more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense. (R140.21)<sup>195</sup> (n)**

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a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

<sup>195</sup> RULES OF COURT, rule 140, sec. 21. *Penalty for Multiple Offenses.* - If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension or P1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of dismissal from service, forfeiture of all or part of the benefits as may be determined, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits.

On the other hand, if a single act/omission constitutes more than one (1) offense, the respondent shall still be found liable for all such offenses,

**SECTION 40. *Payment of fines and return of client's money and property.*** – When the penalty imposed is a fine or the respondent is ordered to return the client's money or property, the respondent shall pay or return it within a period not exceeding three (3) months from receipt of the decision or resolution. If unpaid or unreturned, the Court may cite the respondent in indirect contempt. (R140.22)<sup>196</sup> (n)

**SECTION 41. *Penalty when the respondent has been previously disbarred.*** – When the respondent has been previously disbarred and is subsequently found guilty of a new charge, the Court may impose a fine or order the disbarred lawyer to return the money or property to the client., when proper. If the new charge deserves the penalty of a disbarment or suspension of from the practice of law, it shall not be imposed but the penalty shall be recorded in the personal file of the disbarred lawyer in the Office of the Bar Confidant or other office designated for the purpose. In the event that the disbarred lawyer applies for judicial clemency, the penalty so recorded shall be considered in the resolution of the same.<sup>197</sup> (n)

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but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense.

<sup>196</sup> RULES OF COURT, rule 140, sec 22. *Payment of Fines.* - When the penalty imposed is a fine, the respondent shall pay it within a period not exceeding three (3) months from the time the decision or resolution is promulgated. If unpaid, such amount may be deducted from the salaries and benefits, including accrued leave credits, due to the respondent. The deduction of unpaid fines from accrued leave credits, which is considered as a form of compensation, is not tantamount to the imposition of the accessory penalty of forfeiture covered under the provisions of this Rule.

<sup>197</sup> *Dumlao, Jr. v. Camacho*, A.C. No. 10498, 4 September 4, 2018.

**SECTION 42. *Immediately executory; furnished copies.*** – **The decision or resolution pronouncing the respondent’s administrative liability is immediately executory. The copies of the decision or resolution shall be furnished to the Office of the Bar Confidant, the Integrated Bar of the Philippines National Office and local chapter to which the respondent belongs, and the Office of the Court Administrator for circulation to all the courts.** (R140.23)<sup>198</sup> (n)

**SECTION 43. *Confidentiality.*** – Proceedings against lawyers shall be confidential. However, the final order of the Supreme Court shall be published like its decisions in other cases. (R139-B, sec. 18)<sup>199</sup>

**SECTION 44. *Lifting of suspension.*** – **Any suspension from the practice of law imposed by the Supreme Court is not automatically lifted upon the lapse of the period, but only upon its order.**<sup>200</sup> (n)

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<sup>198</sup> RULES OF COURT, rule 140, sec. 23. *Immediately Executory Nature.* - Decisions or resolutions pronouncing the respondent’s administrative liability are immediately executory in nature. The respondent, upon receipt of such decision or resolution, shall immediately serve the penalty indicated therein. In case of suspension, he or she shall formally manifest to the Court that his or her suspension has started within five (5) calendar days upon receipt of the decision or resolution.

Upon completion of service of the penalty of suspension, the Presiding Justice, in case of the Court of Appeals, Sandiganbayan or the Court of Tax Appeals, or the Executive Judge where the respondent is assigned or stationed, in case of the first and second level courts, shall issue a certification that the penalty of suspension has been served by the respondent. The certification shall be submitted to the Supreme Court.

<sup>199</sup> RULES OF COURT, Rule 139-B, **Section 18. Confidentiality.** – Proceedings against attorneys shall be private and confidential. However, the final order of the Supreme Court shall be published like its decisions in other cases.

<sup>200</sup> See *Tan, Jr. v. Atty. Gumba*, A.C. No. 9000, 10 January 2018.

**SECTION 45. *Petition for lifting of suspension.***

**– A suspended lawyer seeking to lift the order of suspension from the practice of law shall, after the full service of the suspension, file a verified petition for lifting the same to show that the petitioner, during the period of suspension:**

- (a) **has not appeared before any court, tribunal or other government agency, whether in respect of current, former or prospective clients;**
- (b) **has not signed or filed any pleading or other court submission;**
- (c) **has duly informed his or her clients, law firm, law school where the lawyer is teaching, legal clinic, or other legal service organization of which he or she is a member, regarding the suspension; and**
- (d) **has not otherwise performed any act, directly or indirectly, that amounts to the practice of law.**

**The verified petition shall state the date of the lawyer's receipt<sup>201</sup> of the order, decision or resolution imposing the penalty of suspension, as well as a list of the lawyer's engagements affected by the suspension, indicating the relevant court, tribunal or other government agency, if any.**

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<sup>201</sup> *Bartolome v. Basilio*, A.C. No. 10783 (Resolution), January 31, 2018, Special First Division, per J. Perlas-Bernabe.



**The suspended lawyer shall also attach documents in support of the verified petition.**<sup>202</sup>

**Any false statement in the verified petition shall be a ground for a complaint for disbarment.**<sup>203</sup>  
(n)

***SECTION 46. Action on the petition for lifting of suspension; full compliance. – If the petition is compliant in form and substance, the Supreme Court shall order the lifting of the suspension within ninety (90) calendar days from the filing of the petition.***<sup>204</sup>

**The Supreme Court may require the lawyer to submit additional documents, as may be warranted.**  
(n)

***SECTION 47. Reinstatement in the Roll of Attorneys. – A lawyer who has been disbarred may file a verified petition for judicial clemency after five years from the receipt of the order, decision, resolution of disbarment.***<sup>205</sup> (n)

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- <sup>202</sup> N.B. Per the OBC, the documents required are the following:
1. Certification from competent courts that lawyer desisted from appearing;
  2. Certification from IBP Local Chapter with a similar tenor; and
  3. Certification from HR/Cash Division that the lawyer did not practice his profession and that he did not receive any remuneration therefor (for government lawyer).
- <sup>203</sup> Maniago v. De Dios, A.C. No. 7472, 30 March 2010; Tan, Jr. v. Atty. Gumba, A.C. No. 9000, 10 January 2018.
- <sup>204</sup> Tan, Jr. v. Atty. Gumba, A.C. No. 9000, 10 January 2018, citing Maniago v. De Dios, A.C. No. 7472, 30 March 2010.
- <sup>205</sup> Nuñez v. Atty. Ricafort, A.C. No. 2 ,5054 March 2021.

SECTION 48. *Petition for judicial clemency.*  
– The verified petition for judicial clemency<sup>206</sup>  
shall allege the following:

- (a) that the verified petition was filed after five years from the receipt of the order, decision, or resolution of disbarment;
- (b) that the disbarred lawyer has fully complied with the terms and conditions of all prior disciplinary orders, including orders for restitution;
- (c) that he or she recognizes the wrongfulness and seriousness of the misconduct for which he or she was disbarred by showing positive acts evidencing reformation;
- (d) that he or she has reconciled, or attempted in good faith to reconcile, with the wronged private offended party in the disbarment case, or if the same is not possible, an explanation as to why such attempt at reconciliation could not be made.

Where there is no private offended party, the plea for clemency must contain a public apology; and

- (e) notwithstanding the conduct for which the disbarred lawyer was disciplined, he or she has the requisite good moral character and competence.<sup>207</sup>

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<sup>206</sup> Id.

<sup>207</sup> See also *Re: Letter of Judge Diaz*, A.M. No. 07-7-17-SC, 19 September 2007, *viz.*: “In the exercise of its constitutional power of administrative supervision over all courts and all personnel thereof, the Court lays down the following guidelines in resolving requests for judicial clemency:

**Any of the following allegations may also be made in support of the petition:**

- (a) **that he or she still has productive years that can be put to good use if given a chance; or**
- (b) **there is a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.**<sup>208</sup>
- (n)

**SECTION 49. *Action on the petition for judicial clemency; prima facie merit.* – Upon receipt of the petition, the Supreme Court shall conduct a preliminary evaluation and determine if the same has prima facie merit based on the criteria.**

1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges' associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.
2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reformation.
3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.
4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.
5. There must be other relevant factors and circumstances that may justify clemency."

<sup>208</sup> Id.

If the petition has *prima facie* merit, the Supreme Court shall refer the petition to the Office of the Bar Confidant or any fact-finding body the Court so designates for investigation, report and recommendation.

If the petition fails to show any *prima facie* merit, it shall be denied outright.<sup>209</sup> (n)

**SECTION 50. *Investigation by the Office of the Bar Confidant or other fact-finding body.*** – The Office of the Bar Confidant or any other fact-finding body designated shall conduct and terminate the investigation and submit to the Supreme Court its report and recommendation within ninety (90) calendar days from receipt of the referral.<sup>210</sup> (n)

**SECTION 51. *Decision on the petition for judicial clemency; quantum of evidence.*** – The Supreme Court shall decide the petition on the basis of clear and convincing evidence.<sup>211</sup> (n)

**SECTION 52. *Prohibition against employment of disbarred or suspended lawyer.*** – A lawyer who has been disbarred or suspended from the practice of law shall not be employed or engaged in the practice of law, including the performance of the following acts:

- (a) Legal consultation or advice;
- (b) Appearance on behalf of a client in any hearing or proceeding before any court,

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<sup>209</sup> Nuñez v. Atty. Ricafort, A.C. No. 2 ,5054 March 2021.

<sup>210</sup> Id.

<sup>211</sup> Id.

- tribunal, or other government agency or office;
- (c) Appearance as a representative of a client at a deposition or other discovery matter;
- (d) Negotiate or transact any legal matter for or on behalf of a client with third parties; or
- (e) Receive, disburse, or otherwise handle a client's funds.

A suspended lawyer shall immediately cease and desist from the practice of law until the suspension is lifted by the Supreme Court.

Any client previously represented by a suspended lawyer may engage the services of a new lawyer.

The disbarment or suspension of a handling lawyer shall not terminate the lawyer-client engagement between the client and the law firm, unless the client chooses otherwise. (n)

**SECTION 53. *Costs.*** – All reasonable and necessary expenses incurred in relation to disciplinary and disbarment proceedings are lawful charges for which the parties may be taxed as costs, subject to proof. (R139-B, sec. 19)<sup>212</sup>

## GENERAL PROVISIONS

**SECTION 1. *Retroactive effect.*** – This Code shall be applied to all cases filed after its effectivity on \_\_\_\_\_,

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<sup>212</sup> RULES OF COURT, Rule 139-B, sec. 19. *Expenses.* – All reasonable and necessary expenses incurred in relation to disciplinary and disbarment proceedings are lawful charges for which the parties may be taxed as costs.

and also retroactively to all pending cases, except to the extent that in the opinion of the Court, its application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern. (n)

**SECTION 2. *Repealing clause.*** – Any resolution, circular, bar matter, or administrative order issued by, or principles established in the decisions of the Supreme Court inconsistent with this Code is deemed modified or repealed.<sup>213</sup> (n)

**SECTION 3. *Effectivity clause.*** – This Code shall take effect on \_\_\_\_\_ following its publication in the Official Gazette or in two newspapers of national circulation.<sup>214</sup> (n)

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<sup>213</sup> Id. Section 25.

<sup>214</sup> Id. Section 26.

*Proposed Amended Lawyer's Oath*

I, do solemnly swear, as an officer of the court, that I will maintain allegiance to the Republic of the Philippines.

I shall be loyal to the Constitution and uphold the rule of law.

I shall embody integrity and practice independence, propriety, fidelity, competence and diligence, equality, and accountability in all that I do.

I shall safeguard the rights and meaningful freedoms of all persons, identities and communities.

So help me God.





