Ateneo de Manila University
BASIC LEGAL AND JUDICIAL ETHICS 2A
1st Semester, A.Y. 2025-2026

Main reference*:* Code of Professional Responsibility and Accountability (CPRA).[1]

Revised Lawyer's Oath

I, (name), do solemnly swear (affirm) that I accept the honor, privilege, duty, and responsibility of practicing law in the Philippines as an Officer of the Court in the interest of our people.

I declare fealty to the Constitution of the Republic of the Philippines.

In doing so, I shall work towards promoting the rule of law and a regime of truth, justice, freedom, love, equality, and peace.

I shall conscientiously and courageously work for justice, as well as safeguard the rights and meaningful freedoms of all persons, identities, and communities. I shall ensure greater and equitable access to justice. I shall do no falsehood nor shall I pervert the law to unjustly favor nor prejudice anyone. I shall faithfully discharge these duties to the best of my ability, with integrity, and utmost civility. I impose all these upon myself without mental reservation nor purpose of evasion.

[For oaths] So help me, God. (Omit for affirmations)

The practice of law and regulation of the legal profession

What is practice of law?

- The CPRA defines practice of law as the "rendition of legal service or performance of acts or the application of law, legal principles, and judgment, in and out of court, with regard to the circumstances or objectives of a person or a cause, and pursuant to a lawyer-client relationship or other engagement governed by the CPRA."[2]
    - The practice of law also includes employment in the public service or private sector and requires membership in the Philippine bar (i.e., you must be a lawyer).[3]
- Before the CPRA, *Cayetano v. Monsod* provided a liberal meaning of the practice of law as being any activity, in or out of court, which requires the application of law, legal procedure, knowledge, training and experience.
    - To engage in the practice of law is to perform those acts which are characteristics of the profession. Generally, to practice law is to give notice or render any kind of service, which device or service requires the use in any degree of legal knowledge or skill.
- Hence, researching the law about a particular topic (e.g., foreign divorce), sharing it with others, and explaining it to them is palpably practice of law (*Ulep v. Legal Clinic Inc.*).
    - It doesn't matter that paralegals (i.e., non-lawyers) do the services! What is important is that it is engaged in the practice of law by virtue of the nature of the services it renders.

[1] Supreme Court, The Code of Professional Responsibility and Accountability of 2023, A.M. No. 22-09-01-SC [CPRA] (Apr. 11, 2023).
[2] CPRA, canon III, § 1.
[3] *Id*.

- A person is also considered to be in the practice of law when one who, in a representative capacity, engages in the business of advising clients as to their rights under the law, or while so engaged performs any act or acts either in court or outside of court for that purpose (*Bonifacio v. Era*).

Who controls and supervises the legal profession?

- Under the 1987 Constitution, the Supreme Court has the power to "promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, **the admission to the practice of law, the Integrated Bar**, and legal assistance to the underprivileged …"[4]
    - This provision is unqualified—it is a grant of power to the Supreme Court *alone*.[5]
- Hence, Congress may not pass a law setting the passing grade for the Bar Examinations, because the Supreme Court alone has the power to do so.
    - It is the primary and inherent prerogative of the Supreme Court to render the ultimate decision on who may be admitted and may continue in the practice of law according to existing rules (*In re Cunanan*).
- However, the power to promulgate rules concerning the admission to the legal profession and over the Integrated Bar does not include supervision over law schools.
    - Therefore, the creation of a Legal Education Board to supervise law schools and prescribe the minimum standards for law school admission is not unconstitutional.
    - According to *Pimentel v. Legal Education Board*,[6] the supervision and regulation of legal education, is a political exercise. Congress may validly legislate on the matter, and it does not infringe upon the Supreme Court's powers. It is a police power measure to promote quality legal education.

Who may practice law?

- The requirements to practice law has different steps:
    - The application to take the bar exams
    - The taking and passing the bar exam itself
    - The oath and signing of the roll
    - The "continuing requirement"

(1) Application to take the bar exams.

- A bar applicant must be:
    - A **citizen** of the Philippines
    - At least **21 years old**
    - **Good moral character** (able to present evidence of good moral character)
    - **Resident** of the Philippines
    - **No charges** against him, involving moral turpitude, have been filed or pending in any court in the Philippines[7]

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[4] PHIL. CONST. art. VIII, § 5 (5).
[5] *Contra* 1935 PHIL. CONST. art. VIII, § 13 (superseded in 1973). Under the 1935 Constitution, Congress had the power to repeal, alter or supplement the rules concerning pleading, practice, and procedure, and the admission to the practice of law in the Philippines."
[6] The case, nevertheless, struck down the PhiLSAT requirement for being violative of law schools' academic freedom.
[7] 1964 RULES OF COURT, rule 138, § 2.

- A **graduate** of the Bachelor of Laws or its equivalent (i.e., Juris Doctor)[8]

These are **continuing requirements.** For instance, the possession of good moral character must be **continuous** as a requirement to the enjoyment of the privilege of law practice, otherwise, the loss thereof is a ground for the revocation of such privilege. (*Ui v. Bonifacio*).

- Hence, the Supreme Court reprimanded a lawyer for having a relationship with another married person—an imprudence in the managing of her personal affairs.

- Crimes involving **moral turpitude** escapes a distinct classification. Nevertheless, it has been defined as "every act which is done **contrary to justice, modesty, or good morals**; an act of baseness, vileness or depravity in the private and social duties which a man owes his fellowmen, or to society in general, contrary to justice, honesty, modesty, or good morals" (*Soriano v. Dizon*).
  - Hence, a lawyer who was charged with *frustrated homicide*, but has exhibited treacherous acts during the commission of the felony (e.g., being the aggressor, and trying to conceal the crime by wiping his fingerprints off the gun), is deemed convicted of a crime involving moral turpitude.
  - Conviction for a crime involving moral turpitude may relate, not to the exercise of the profession of lawyers, but certainly to their good moral character.
- The **educational qualification** is as important. In *In re Parazo*, the Supreme Court deemed the leakage in the bar examinations as an "interest of the state," which can be used to force a journalist to divulge his source in the leaks. In particular, the court identified several repercussions of the leak:
  - Lawyers would be viewed with suspicion, undermining public confidence in their competence and honesty.
  - Those who passed through hard work and preparation would suffer from doubt and diminished recognition of their achievement.
  - The belief that cheating can secure bar admission may discourage genuine study and preparation.
  - Examiners, court employees, and the Supreme Court could be accused of negligence, corruption, or complicity.
  - Public confidence in the Supreme Court, as supervisor of the Bar, could be shaken, harming one of the key institutions of government.
- **Good moral character** must be possessed by the applicant up until he becomes a member of the Bar (a continuing requirement). The requirement of good moral character is not only a condition precedent to admission to the practice of law, its **continued possession is also essential for remaining** in the practice of law.
  - Hence, the court denied admission to the bar of an applicant who failed to disclose three pending criminal charges against him.
  - By concealing the existence of such cases, the applicant then flunks the test of fitness even if the cases are ultimately proven to be unwarranted or insufficient to impugn or affect the good moral character of the applicant (*In re Meling*).

(2) The Bar Exam

- The Rules of Court[9] prescribe the specifics of the conduct of the bar exams. However, these rules are rarely followed by the Supreme Court.
- As a matter of practice, each year's bar chairperson (a justice of the Supreme Court) decides on the specifics of the examination. For the 2025 Bar Examinations, the bar chairperson mandated the following subjects and their relative weights:

[8] *Id*. rule 138, §§ 5-6.
[9] *Id*. rule 138, §§ 9-16.

  - Political and public international law (15%)
  - Commercial and taxation laws (20%)
  - Civil law (20%)
  - Labor law and social legislations (10%)
  - Criminal law (10%)
  - Remedial law, legal and judicial ethics with practical exercises (25%)[10]
- Should a candidate fail the bar examination thrice, he will no longer be allowed to take it again, unless he enrolls and passes the fourth-year review courses and attended a pre-bar review course in a law school.[11]

(3) Oath and signing of roll

- After passing the Bar, the candidate must take the **Lawyer's Oath** and **sign the Roll of Attorneys** to be finally allowed to practice law.[12]
- A successful bar examinee can still be prevented to take the oath, if they have been found to be disqualified:
  - A candidate who was found to have abandoned his partner and children, and walked back on his promise to marry may have his oath-taking deferred until the court has resolved the issue (*Arganoza v. Tubaces*).
  - The court also deferred the oath-taking of a candidate who was convicted of a felony (due to fraternity hazing). He was only able to take the oath following submission of additional requirements that will evidence his good moral character (*In re Argosino* [1994, 1997]).
    - The court recognized that Argosino is "not inherently of bad moral fiber," owing from the documents which showed he is a devout Catholic with genuine concern for civic duties and public service.
    - He has also been given the benefit of the doubt, given the general tendency of the youth to be "rash, temerarious and uncalculating."
  - Though it is true that the practice of law is not a right but a privilege, the Supreme Court will not unjustifiably withhold this privilege from a candidate, who has clearly shown that he is both intellectually and morally qualified to join the legal profession (*De Zuzuarregui v. De Zuzuarregui*).
    - Hence, repeated criminal charges against a successful bar candidate will not deter him from becoming a full-fledged lawyer, if the court determines that the charges are trumped-up.
  - As to **civil cases**, the pendency of civil cases alone should not prevent successful bar examinees to take their Lawyer's Oath and sign the Roll of Attorneys, unless the same involves acts or omissions which had been previously determined by the Court to be tainted with moral turpitude (*So v. Lee*).
  - And when one fails, do not attempt to falsify the records by superimposing the Roll of Attorneys with your name. It bears criminal responsibility (*People v. Bautista* [1929])

(4) Continuing requirements (a.k.a. what you need to be "in good standing")

- Payment of annual fees for the Integrated Bar of the Philippines (IBP)

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[10] Office of the 2025 Bar Chairperson, Conduct of the 2025 Bar Examinations: Modality, Coverage, Schedule, and Syllabi, Bar Bulletin No. 1, at 1-2 (Sep. 16, 2024), *available at* https://sc.judiciary.gov.ph/wp-content/uploads/2024/09/Bar-Bulletin-No.-1-on-Modality-Schedule-Coverage-and-Syllabi-September-16-2024-.pdf (last accessed Sep. 5, 2025).
[11] 1964 RULES OF COURT, rule 138, § 16.
[12] *Id*. rule 138, §§ 17-19.

    - The failure to pay the fees may subject the lawyer to disciplinary actions from the Supreme Court (*In re Edilion*)
- Professional tax receipt
    - The local government is empowered to collect a fee from every person within its territory practicing his profession.
- Mandatory Continuing Legal Education (MCLE) Program
    - Members of the IBP shall complete every three years at least 36 hours of continuing legal education activities.[13]
- Unified Legal Aid Services (ULAS)
    - Lawyers not exempt are required to render at least 60 hours of *pro bono* legal aid services every three years.[14]

Duties and privileges of a lawyer

Practice of law as a privilege, not a right

- Practice of law, whether under the civil or the Shari'a Court, is not a matter of right but merely a privilege bestowed upon individuals who are not only learned in the law but who are also known to possess good moral character (*In re Meling*).
- The practice of law, after all, is **not a natural, absolute or constitutional right** to be granted to everyone who demands it. It is a privilege limited to citizens of good moral character. Good moral character includes at least common honesty (*Caronan v. Caronan*).
    - Hence, a person who has falsified his identity and law school records just to take the bar examinations will not be allowed to take the lawyer's oath, even though he passed.
    - Consequently, lawyers are **obliged to pay reasonable IBP fees** to maintain their good standing in the legal profession.
        - Thus, when Edillon entered the legal profession, his practice of law and his exercise of the said profession, were (and are) subject to the power of the body politic to require him to conform to such regulations as might be established by the proper authorities for the common good, even to the extent of interfering with some of his liberties (*In re Edilion*).
- While the practice of law is not a right but a privilege, the Supreme Court will not unwarrantedly withhold this privilege from individuals who have shown mental fitness and moral fiber to withstand the rigors of the profession.
    - Hence, a lawyer who merely forgot to sign the Roll of Attorneys, more than 30 years after passing the Bar, will still be allowed to sign, albeit not immediately as a form of sanction (*In re Medado*)

Law as a profession, not a business or trade

- The practice of law is a profession in which duty to public service—not money—is the primary consideration. The gaining of a livelihood should be a secondary consideration. Hence, the following elements distinguish the legal profession from a business:
    - A **duty of public service**, of which the emolument is a by-product, and in which one may attain the highest eminence without making much money;

[13] Supreme Court, Adopting the Rules on Mandatory Continuing Legal Education for Members of the Integrated Bar of the Philippines, Bar Matter No. 850 [MCLE Rules], rule 2, § 2 (Aug. 22, 2000).
[14] Supreme Court, The Rules on Unified Legal Aid Service, Administrative Matter No. 22-11-01-SC [ULAS Rules], §§ 4 (d) & 6 (Aug. 20, 2024).

    - A relation as an officer of the court to the administration of justice involving **thorough sincerity, integrity, and reliability**
    - A relation to clients in the highest degree of **fiduciary**
    - A relation to colleagues at the bar characterized by **candor, fairness, and unwillingness to resort to current business methods** of advertising and encroachment on their practice, or dealing directly with their clients (*In re Simbillio*).
- Nevertheless, advertising (solicitation of legal business) is allowed, provided that it follows the following guidelines:
    - It is **compatible with the dignity** of the legal profession; and
    - Made in a **modest and decorous** manner.
- The following are acceptable advertising:
    - Use of simple signs stating the name/s of the lawyer/s, the office and residence address and fields of practice
    - Advertisement in legal periodicals with the same data
    - Use of calling cards
    - Publication in reputable law lists
- Being a profession, lawyers must also handle funds entrusted to them by clients with care. Hence, lawyers who **convert** the funds entrusted to them are in gross violation of professional ethics and are guilty of betrayal of public confidence in the legal profession (*Burbe v. Magulta*).
- The CPRA also proscribes:
    - **Ambulance chasing** – The solicitation of almost any kind of legal business by an attorney, personally or through an agent to gain employment; and
    - **Champerty** – An arrangement where a third party supports someone else's lawsuit in exchange for a share of the outcome (*Linsangan v. Tolentino*)
        - Hence, the Supreme Court disciplined a lawyer who fished another's lawyers clients due to a promise of consultancy and maritime services **with financial assistance**.
- As a general rule, **lawyers shall not lend money to his client**, except when, **in the interest of justice**, he has to **advance necessary expenses** (e.g., docket fees) for a matter he is handling for the client.

When are lawyers prohibited from appearing?

1. **Katarungang Pambarangay (KP)** – In all KP proceedings, the parties must appear in person *without the assistance of counsel* or representative, except for minors and incompetents who may be assisted by their next-of-kin who are *not* lawyers.[15]
2. **Small claims cases** – The parties shall appear personally. Appearance through a representative must be for a valid cause. The representative of a party must not be a lawyer.[16] No attorney shall appear in behalf of or represent a party at the hearing, unless the attorney is the plaintiff or defendant.[17]
3. **Labor Single-entry approach (SEnA)** – The parties shall represent themselves, and lawyers are discouraged from participating in the conference, except when they are the requesting party or the employer.[18]

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[15] An Act Providing for a Local Government Code of 1991 [LOCAL GOV'T CODE], Republic Act No. 7160, § 415 (1991).
[16] RULES ON EXPEDITED PROCEDURES IN THE FIRST LEVEL COURTS OF 2022, A.M. No. 08-8-7-SC, rule IV, § 17.
[17] *Id.* rule IV, § 18.
[18] Department of Labor and Employment, Rules and Regulations Implementing An Act Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute Settlement for all Labor Cases, Amending for This

When non-lawyers are allowed to appear in proceedings[19]

- Under the Law Student Practice Rule, certified law students may do **limited practice of law**.

	Level 1 Certification	**Level 2 Certification**
Qualifications	At least completed all the **first-year law courses**.	Currently enrolled in the **second semester of their third-year** law courses.
Allowed practice areas	1. Interview prospective clients 2. Give legal advice 3. Negotiate for and on behalf of the client 4. Draft legal documents (e.g., affidavits, compromise agreements, contracts, demand letters, position papers) 5. Represent eligible parties before quasi-judicial or administrative bodies 6. Provide public legal orientation 7. Assist in public interest advocacies	All the Level 1 activities, **and**: 1. Assist in the taking of **depositions** and/or preparing witnesses' **judicial affidavits** 2. Appear on behalf of the client at any stage of the proceedings or trial before any **court**, quasi-judicial, or administrative body 3. In **criminal cases**, to appear on behalf of a government agency in the prosecution of criminal actions 4. In **appealed cases**, to prepare the pleadings required in the case
Validity of certification	Valid before all courts, quasi-judicial and administrative bodies **within the judicial region where the law school is located**	Valid before **all** courts, quasi-judicial and administrative bodies

- Duties of the law student practitioner:
  - Observe the attorney-client confidentiality (*see* Rule 130, § 24 (b))
  - Be prohibited from using any information obtained as a practitioner for personal or commercial gain
  - Perform the duties and responsibilities to the best of one's abilities as a law student practitioner
  - Strictly observe the CPRA
- Prohibited acts or sanctions:
  - Performing the practice areas without the necessary certification
  - Making false representations in the application for certification
  - Using an expire certification
  - Rendering legal services *beyond* the allowed practice areas
  - Asking for or receiving compensation or payment for services rendered

Public officials and the practice of law

- In general, public officials may not practice their profession, subject to limited exceptions.

Republic Act 6713 **Code of Conduct and Ethical Standards for Public Officials and Employees**

Purpose Article 228 of Presidential Decree No. 442, as Amended, Otherwise Known as the "Labor Code of the Philippines," Republic Act No. 10396, rule IV, § 1 (2016).

[19] 2019 LAW STUDENT PRACTICE, rule 138-A.

Section 7. *Prohibited Acts and Transactions*. - In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful: xxx (b) Outside employment and other activities related thereto. - Public officials and employees during their incumbency shall not: xxx (2) Engage in the private practice of their profession **unless authorized by the Constitution or law**, provided, that **such practice will not conflict or tend to conflict with their official functions**[.]

- Hence, a lawyer in government may do private practice of law if:
  - He is authorized by the Constitution or law; and
  - The practice will *not conflict* or tend to conflict with their official functions.
- Even if he is authorized to practice law, the lawyer must:
  - Not promote or advance, directly or indirectly, his private or financial interest in any transaction requiring the approval of his office
  - Not receive gifts or anything of value in relation to such interest
  - Not give anything of value to, or otherwise unduly favor any person transacting with his office, with the expectation of any benefit in return[20]
- Hence, a clerk of court seeking to do limited practice of law (i.e., appear as counsel on behalf of their immediate family members) needs prior written approval from the Supreme Court, provided that:
  - Their representation will not conflict or tend to conflict with their official functions
  - They must not use official time in preparing for the case and must file a leave of absence every time they are required to attend to the case (*Nate v. Contreras*)

Absolute prohibition from practicing law

Position or office	Legal basis for prohibition
Judge or other official or employee of the superior courts or of the Office of the Solicitor General	Rule 138, § 35 (superseded by CPRA)
Senators and members of the House of Representatives	CONST. art. VI, § 13
President, vice-president, cabinet secretaries, undersecretaries and assistant secretaries	CONST. art. VII, § 14
Members of the constitutional commissions (CSC, COMELEC and COA)	CONST. art. IX-A, § 2
Ombudsman and deputy ombudsmen	CONST. art. XI, § 8
Governors, city mayors, and municipal mayors	LOCAL GOV'T CODE, § 90 (a)

- In *Lim-Santiago v. Sagucio*, the court disciplined a government prosecutor who practiced law in violation of RA 6713, § 7 (b) (2). Violation of the said law constitutes violation of the CPRA, which provides that a lawyer shall not engage in *unlawful* conduct.[21]

Limited practice of law

[20] CPRA, canon II, § 30.
[21] *See* CPRA, canon II, § 1.

- **For lawyers in the government service**, they must still observe the CPRA and RA 6713 in the performance of their duties. If a government lawyer violates CPRA, he shall be subject to disciplinary action by the court (on top of any other from pertinent rules or laws).[22]
- **For members of Congress**, the prohibition is only "personal appearance," implying that their law firm can still appear on behalf of clients.[23]
- **For members of the local legislative bodies** (e.g., Sanggunian), they may not:
    - Appear as counsel before any court in a **civil case** where the LGU or the government is the adverse party
    - Appear as counsel in any **criminal case** wherein an officer or employee of the government is accused of an offense committed in relation to his office
    - Collect any fee for their appearance in **administrative proceedings** involving the LGU of which he is an official
    - Use property and personnel of the government, *except when the Sanggunian member is defending the interests of the government*[24]
- In *Monares v. Muñoz*, the Court held that a **provincial legal officer** must secure an authorization from the secretary of interior and local government so he can perform limited private practice of law.
    - An authorization is required for every time the officer is (re)appointed in his position!
- For **employees of the judiciary** (e.g., a clerk of court), the authorization must come from the Supreme Court itself, and not from his presiding judge (*OCA v. Ladaga*).
- While a **punong barangay** is not included in the prohibitions under the LGC, he must still nevertheless secure prior written permission from the secretary of interior and local government to practice law (*Catu v. Rellosa*).
    - This is because the punong barangay is deemed a civil service officer or employee.

Lawyers formerly in government service

- The CPRA lays down the following rules following a government lawyer's separation from public office:
    - No private practice pertaining to any matter to his former office **within one year from separation**
        - For members of the judiciary and prosecutors, this prohibition applies to the territorial jurisdiction of their former office.
        - Hence, a retired judge of the Makati RTC cannot appear in any court within the National Capital Judicial Region within a year from her retirement.
    - As a general rule, a lawyer shall not accept an engagement which could *improperly influence* the outcome of the proceedings which he previously handled or intervened in, or over which the lawyer previously exercised authority.[25]
- For former members of the judiciary, their continued receipt of pension is conditioned on their nonpractice of law. They (and their surviving spouse, if a lawyer) cannot:
    - Appear as counsel in any **civil case** where the government or its subdivisions or instrumentalities is the adverse party
    - Appear as counsel in any **criminal case** where a present or former government officer or employee is accused of an offense related to office

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[22] *Id.* canon II, § 28.
[23] PHIL. CONST. art. VI, § 14.
[24] LOCAL GOV'T CODE, § 90 (b).
[25] CPRA, canon II, § 29.

    - Collect any fee for appearance in **administrative proceedings** where the government or its officers have an interest
- In *PCGG v. Sandiganbayan (5th Division)*, the Supreme Court explained the meaning of the words "matter" and "intervene" in the prohibition on lawyers formerly in government service:
    - "Matter" – Any discrete, isolatable act as well as identifiable transaction or conduct involving a particular situation and specific party, and not merely an act of drafting, enforcing or interpreting government or agency procedures, regulations or laws, or briefing abstract principles of law.
    - "Intervene" – An act of a person who has the power to influence the subject proceedings. The intervention cannot be insubstantial and insignificant.
        - Hence, Mendoza's handling of the liquidation of GENBANK (acquired by his client Tan) and his subsequent filing of a Petition for Certiorari assailing the government's sequestration of Tan's Allied Bank shares *are permissible*.
        - The two cases are different matters. Neither did Mendoza intervene in GENBANK's liquidation as he was only performing his duties as solicitor general.

Having disposed of the preliminary matters, we will now head to CPRA.

Canon VI: Accountability

SECTION 1. *Nature of disciplinary proceedings against lawyers.* – Disciplinary proceedings against lawyers shall be confidential in character and summary in nature.

Nonetheless, the final order of the Supreme Court shall be published like its decisions in other cases.

- The following are characteristics of disciplinary proceedings:
    - Disciplinary proceedings are **sui generis** in character.
    - There is **neither a plaintiff nor a prosecutor** therein.
    - They may be **initiated by the court motu proprio**.
    - **Public interest is their primary objective**, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such
- The object of a dismissal proceeding is not so much to punish the individual attorney himself, as to **safeguard the administration of justice by protecting the court and the public from the misconduct of officers of the court**, and to **remove from the profession of law persons whose disregard for their oath of office have proved them unfit to continue discharging** the trust reposed in them as members of the bar (*Berbano v. Barcelona*)
- The **filing of an affidavit of desistance** by the complainant for lack of interest does not ipso facto result in the termination of an administrative case for suspension or disbarment of an erring lawyer (*Yumul-Espina v. Tabaquero*).
    - This is because the motive for the complaint is unimportant.
- In any case, **an affidavit of desistance will not terminate or interrupt** an investigation already pending (*Acosta v. Singson*).[26]

SECTION 2. *How instituted.* – Proceedings for the disbarment, suspension, or discipline of lawyers may be commenced by the Supreme Court on its own initiative, or upon the filing of a verified complaint by the Board of Governors of the Integrated Bar of the Philippines (IBP), or by any person, before the Supreme Court or the IBP. However, a verified complaint against a government lawyer which seeks to discipline such lawyer as a member of the Bar shall only be filed in the Supreme Court.

[26] *See also* CPRA, canon VI, § 16.

A verified complaint filed with the Supreme Court may be referred to the IBP for investigation, report and recommendation, except when filed directly by the IBP, in which case, the verified complaint shall be referred to the Office of the Bar Confidant or such fact-finding body as may be designated.

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 for appropriate disposition under Rule 140, as amended.

- Who may institute a verified complaint for disbarment, suspension or discipline of lawyers:
  - The Supreme Court (*motu proprio*)
  - Board of Governors of the IBP
  - Any person
- General rule: The verified complaint must be submitted to either the Supreme Court or the IBP
  - If the complaint is against the government lawyer, it must be filed with the Supreme Court
  - If the complaint is against members of the judiciary, it must be filed with the Supreme Court (or forwarded to the Court, if filed with the IBP)
- Following the filing of the verified complaint:
  - It is transmitted to the IBP for investigation, report, and recommendation, if submitted to the Supreme Court
  - It is referred to the Office of the Bar Confidant (or other fact-finding body), if filed by the IBP
- The **complainant has the burden of proof** to establish with **substantial evidence** the allegations.
  - Substantial evidence – That amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[27]
  - The evidentiary threshold of substantial evidence, as opposed to preponderance of evidence, is more in keeping with the primordial purpose of and essential considerations attending disciplinary cases (*Limpo v. Francisco*).
  - *But see Armilla-Calderon v. Lapore* where the court held that a preponderance of evidence is required to disbar a lawyer.
- A disbarment complaint is **not an appropriate remedy** to be brought against a lawyer simply **because he lost a case** he handled for his client.
- **Two presumptions** that must be overcome by the complainant:
  - Presumption of innocence
  - Presumption of regularity (that the lawyer performed his duty as an officer of the court regularly) (*Morales v. Borres Jr.*)

SECTION 12. ***Effect of death of lawyer on administrative disciplinary cases.*** – Disciplinary proceedings may not be instituted against a lawyer who has died. If such proceedings have been instituted notwithstanding the lawyer's death, the administrative case against said lawyer shall be dismissed.

The death of the lawyer during the pendency of the case shall cause its dismissal.

- **General rule:** Disciplinary proceedings cannot be filed against a dead lawyer. Likewise, the death of the lawyer during the pendency of the case shall cause its dismissal.
  - **Exceptions:**

[27] CPRA, canon VI, § 32.

- When the respondent was given the opportunity to be heard
- When the continuation of the proceedings is more advantageous and beneficial to respondent's heirs (*Flores-Concepcion v. Castañeda*)

SECTION 19. *Indirect contempt.* – Willful failure or refusal to obey a subpoena or any other lawful order issued by the Investigating Commissioner shall be dealt with as indirect contempt of court. The Investigating Commissioner 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 Investigating Commissioner may conduct a hearing, if necessary, in accordance with the procedure set forth under Canon VI, Section 20 for hearings before the Investigating Commissioner. Such hearing shall be terminated within fifteen (15) calendar days from commencement. Thereafter, the Investigating Commissioner shall submit a report and recommendation to the IBP Board of Governors within a period of fifteen (15) calendar days from termination of the contempt hearing.

Within thirty (30) calendar days from receipt of the Investigating Commissioner's report and recommendation on the contempt charge, the IBP Board of Governors, through a Resolution, may either adopt, modify or disapprove the recommendation of the Investigating Commissioner. The action of the IBP Board of Governors shall be immediately executory.

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.

- Willful (deliberate) failure or refusal to obey a subpoena or any other lawful order of the investigating commissioner is deemed an indirect contempt of court.
- **Indirect contempt** – Involves actions that are committed not within the presence of the court, but are nonetheless directed against the dignity and authority of the court or a judge acting judicially.
    - Hence, an author of a post red-tagging a judge for merely deciding a case is guilty of indirect contempt of court (*In re Badoy*)[28]

SECTION 45. *Sworn statement after service of suspension.* — Upon the expiration of the period of suspension from the practice of law, the lawyer shall file a Sworn Statement with the Supreme Court, through the Office of the Bar Confidant, 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 Sworn Statement shall state the date of the lawyer's receipt 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.

Copies of the Sworn Statement shall be furnished to the Local Chapter of the IBP, to the Executive Judge of the courts where the suspended lawyer has pending cases handled by him or her, and/or where he or she has appeared as counsel.

SECTION 46. *Resumption of practice of law.* – The Sworn Statement shall be considered as proof of the suspended lawyer's compliance with the order of suspension. Such lawyer shall be allowed to resume the practice of law upon the filing of the Sworn Statement before the Supreme Court.

[28] *See also* 1964 RULES OF COURT, rule 71, § 3.

However, any false statement in the Sworn Statement shall be a ground for a complaint for disbarment. Within five (5) days from the filing of the Sworn Statement and the Office of the Bar Confidant determines that there is a false statement stated therein, it shall refer the same to the Court for its immediate action.

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.

SECTION 48. *Petition for judicial clemency.* — The verified petition for judicial clemency 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.

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.

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.

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.

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.

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.

- The basic inquiry in a petition for reinstatement to the practice of law is **whether the lawyer has sufficiently rehabilitated himself in conduct and character**.
    - The lawyer has to demonstrate and prove by clear and convincing evidence that he is again worthy of membership in the Bar.

- The court will take into consideration his character and standing prior to the disbarment, the nature and character of the charge/s for which he was disbarred, his conduct subsequent to the disbarment, and the time that has elapsed in between the disbarment and the application for reinstatement (*Que v. Revilla*).

- Nevertheless, granting judicial clemency lies in the sound discretion of the Court pursuant to its constitutional mandate to regulate the legal profession.
  - However, the compassion of the Court in clemency cases must always be tempered by the greater interest of the legal profession and the society in general (*Nuñez v. Ricafort*)
  - *See §§ 48-51 for the procedure on judicial clemency.*

Canon I: Independence

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, a lawyer shall maintain independence, act with integrity, and at all times ensure the efficient and effective delivery of justice.

- **Effective legal service** – The proper measure of attorney performance remains simply **reasonableness** under prevailing professional norms.
  - Coupled with the presumption that counsel's performance was reasonable under the circumstances, as long as the trial was fair in that the accused was accorded due process by means of an effective assistance of counsel, then the constitutional requirement that an accused shall have the right to be heard by himself and counsel is satisfied (*People v. Liwanag*).
- **Accessible legal service**
  - Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.[29]
  - Because of this constitutional provision, the government has endeavored to provide accessible and adequate legal services to indigent clients:
    - Exemption from payment of legal fees – An indigent litigant is someone:
      - Whose gross income and that of their immediate family do not exceed an amount double of the monthly minimum wage of an employee; and
      - Who do not own real property with a fair market value as stated in the current tax declaration of more than P300,000.[30]
    - Free legal assistance from the Public Attorney's Office – An indigent client is someone:
      - Net income does not exceed P14,000 a month, if residing in Metro Manila
      - Net income does not exceed P13,000, if residing in other cities
      - Net income does not exceed P12,000, if residing in other places[31]
    - Eligible for a *counsel de oficio* – 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

[29] PHIL. CONST. art. III, § 11.
[30] 1964 RULES OF COURT, rule 141, § 19.
[31] Public Attorney's Office, Amending Sections 3, 4, and 5, Article II of Memorandum Circular No. 18, s. 20002 (Amending Standard Office Procedures in Extending Legal Service), Memorandum Circular No. 02, § 1 (2010).

services of counsel are necessary to secure the ends of justice and to protect the rights of the party.[32]

- Under the CPRA, a lawyer shall not refuse to represent an indigent person, except if:
  - The lawyer cannot carry out the work effectively due to a justifiable cause
  - The lawyer will have a conflict-of-interest situation
  - The lawyer is related to the potential adverse party within sixth degree of consanguinity or affinity, or to the adverse counsel, within the fourth degree.
    - Under the CPRA, an indigent is any person who has no money or property sufficient for food, shelter and other basic necessities for oneself and one's family.[33]
- Under the ULAS Rules, the following may avail *pro bono* legal services:
  - Those exempt from paying legal fees (Rule 141) and CPRA (Canon V, Sec. 3)
  - Any person, including an OFW, migrant worker, asylum-seeker, and stateless person, who has no sufficient means to afford the adequate legal services sought.[34]

Firm names

> **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.
>
> **SECTION 27. *Partner who assumes public office***. – When a partner assumes public office, such partner shall withdraw from the firm and such partner's name shall be removed from the firm name, unless allowed by law to practice concurrently.[35]

- Rules on firm names:
  - No false, misleading, or assumed (pen name) allowed
  - Deceased, incapacitated or retired partner's name may be used, but the firm's communications must indicate that said partner is deceased, incapacitated or retired.
    - Previously, the use of a deceased partner's name is disallowed. This has since been relaxed by the CPRA (*In re Sycip*).
  - When a partner assumes public office, his name shall be removed from the firm name, unless allowed by law to practice concurrently.
- A law firm name must be limited to the names of lawyers who can practice law in the Philippines (*Dacanay v. Baker & McKenzie*).
  - Hence, Quisumbing Torres cannot use "Baker & McKenzie" because that is a foreign firm.

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[32] 1964 RULES OF COURT, rule 138, § 31 (superseded by CPRA).
[33] CPRA, canon V, § 3.
[34] Supreme Court, Manual on the Rules on Unified Legal Aid Service, A.M. No. 22-11-01-SC, rule 5, § 3 (2025).
[35] CPRA, canon II.

SECTION 2. ***Merit-based practice.*** – A lawyer shall make legal services accessible in an efficient and effective manner. In performing this duty, a lawyer shall maintain independence, act with integrity, and at all times ensure the efficient and effective delivery of justice.

- No matter how passionate a lawyer is towards defending his client's cause, he must not forget to display the appropriate decorum expected of him, being a member of the legal profession, and to continue to afford proper and utmost respect due to the courts.
    - Hence, the court disciplined a lawyer who kept on moving for the inhibition of a judge who rendered a decision adverse him, and filed complaints against opposing counsels (*Alpajora v. Calayan*).
- The court also disciplined a lawyer who told his clients that he has withdrawn a case because he did not expect the judge to be "friendly."
    - It gives a negative impression that decisions of the courts can be decided merely on the basis of close ties with the judge and not necessarily on the merits (*Mariano v. Laki*).

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.

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.

- Hence, the court has disciplined a lawyer-senator who has:
    - Accused the justices that they are incompetent or narrow-minded
    - Threatened to change the members of the Supreme Court by filing a measure to reorganize it.
        - For the court, those statements were done to in order to influence the final decision of a case, and thus embarrass or obstruct the administration of justice (*In re Sotto*).

SECTION 5. ***Lawyer's duty and discretion in procedure and strategy.*** — A lawyer shall not allow the client to dictate or determine the procedure in handling the case.

Nevertheless, a lawyer shall respect the client's decision to settle or compromise the case after explaining its consequences to the client.

- Hence, the Supreme Court disciplined a lawyer who blamed his client for the latter's failure to provide him the necessary evidence to file a pleading. The court reiterated that the lawyer was engaged by the client to plead his case in the way the lawyer believed the case should be handled, not in any other way (*Olvida v. Gonzales*).
    - A counsel must constantly keep in mind that his actions or omissions, even malfeasance or nonfeasance, would be binding on his client. A lawyer owes to the client the exercise of utmost prudence and capability in that representation (*Fernandez v. Novero*).
- **Compromise** – A lawyer must not prevent the parties from settling. Otherwise, he runs the risk of a disciplinary action, especially when the refusal to settle could lead to more harm to the client (*Sevilla v. Millo*).
    - If the parties settle, the lawyer can still be compensated for the services he has rendered on a *quantum meruit* basis (*Cabildo v. Navarro*).

- In any case, the rights of lawyers to the fees due them for services in a litigation cannot have a higher standing than the rights of the clients or the parties themselves.
  - The lawyer affected can enforce his rights in a proper proceeding, but said rights may not be used to prevent the approval of the compromise (*Jesalva v. Bautista*).

Canon II: Propriety

In *In re Divina*, the Supreme Court held that it may discipline lawyers for the act of giving and receiving gifts if the context and situation in which it is made constitutes improper conduct.

- The prohibition against soliciting and accepting gifts extends even if the same was not in exchange for the performance of an act or favor.
- The policy behind it is to avoid a situation wherein the recipient may feel compelled to return the favor or that he owes a debt of gratitude or "utang na loob" to the giver.
- In the case of IBP, the gifts must be done in furtherance of the goals and objectives of the IBP and for the direct benefit of its members and should not solely be for the interest, use and enjoyment of its officers.

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

- The following conduct are prohibited:
  - Unlawful
  - Dishonest
  - Immoral
  - Deceitful
- **Unlawful**
  - A lawyer who engaged in an opium deal, in contravention of penal laws, was suspended by the Supreme Court (*Piatt v. Abordo*).
  - Lawyers who forcibly entered a property, threatened the inhabitants, and brandished their profession ("Putangna ninyo, huwag kayong aasta kung ayaw ninyong madisgrasya. Abogado kami.") were suspended by the court for "taking the law in their own hands" (*Hipolito v. Alejandro-Abbas*).
- **Immoral**
  - The court disbarred a lawyer who admitted into having had extramarital affairs, having sired illegitimate children and contracted a bigamous marriage, and sexually harassing his subordinates and employees (*Rojas v. Quiambao*).
- **Deceitful**
  - The court sanctioned a lawyer who deceived individuals that he is selling vehicles confiscated by the Bureau of Customs. In doing so, he even used his position in the bureau to make it appear that the transaction is legitimate (*Co v. Monroy*).
  - A lawyer has been disbarred for his deliberate failure in paying debts and for issuing worthless checks.
    - **Deceitful conduct** involves moral turpitude and includes anything done contrary to justice, modesty or good morals. It is an act of baseness, vileness or depravity in the private and social duties which a man or woman owes to others or to society in general, contrary to justice, honesty, modesty, or good morals (*Kelly v. Robielos III*).

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

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

- **Acting in a civil manner**
  - The court disciplined a lawyer who told a judge, in open court, that he has a winning streak of Certiorari cases. These actuations, the court said, were "veiled threats" and menacing language (*Bugaring v. Español*). Not even the use of "your honor, please" saved him!
  - A lawyer should not file or threaten to file any unfounded or baseless criminal case or cases against the adversaries of his client designed to secure a leverage to compel the adversaries to yield or withdraw their own cases against the lawyer's client (*Roque v. Balbin*).
  - Lawyers should treat each other with courtesy, dignity and civility. The bickering and the hostility of their clients should not affect their conduct and rapport with each other as professionals and members of the bar (*Reyes v. Chiong*).
    - Hence, a lawyer was discipline for filing a malicious case against an opposing counsel.
- **Conduct that adversely reflects on one's fitness to practice law**
  - A lawyer who forged a court decision and represents it as that of a court of law is guilty of grave misconduct and deserves disbarment (*Embido v. Pe*).
  - Stealing and attempting to destroy court records places the lawyer in the same level of a common thief. This thus shows the lawyer's moral unfitness to be a member of the bar (*Fernandez v. Grecia*).
  - A lawyer who was married and contracted another marriage committed concubinage—conduct that is inconsistent with the good moral character required of lawyers. It imports moral turpitude and is an assault upon the basic institution of marriage (*Macarrubo v. Macarrubo*).
    - The annulment of the first marriage did not exculpate the lawyer, because he had already committed the act of concubinage prior to the annulment.
  - The court also disbarred a married lawyer who subsequently married his client's daughter, and even misrepresented himself as a bachelor. For the court, these acts were grossly immoral (*Cojuangco v. Palma*).
  - A lawyer who called a celebrity-doctor a "quack doctor," "Reyna ng Kaplastikan," "Reyna ng Payola," and "Reyna ng Kapalpakan," and insinuating that she has been bribing people was disciplined by the court for using words unbecoming a lawyer (*Belo-Henares v. Guevarra*).

SECTION 3. *Safe environment; avoid all forms of abuse or harassment.* – A lawyer shall not create or promote an unsafe or hostile environment, both in private and public settings, whether online, in workplaces, educational or training institutions, or in recreational areas.

To this end, a lawyer shall not commit any form of physical, sexual, psychological, or economic abuse or violence against another person. A lawyer is also prohibited from engaging in any gender-based harassment or discrimination.

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, oral or written, and whether made through traditional or electronic means, including all forms or types of mass or social media.

- A lawyer to **shouted invectives at a clerk of court**, saying "Ukinnan, no adda ti unget mo iti kilientek haan mo nga ibales kaniak ah!" was fined by the court for using abusive, offensive or improper language (*Dallong-Galicinao v. Castro*).
    - What made the situation worse is that the lawyer hurled those words while the complainant, a clerk of court, was in front of her staff.
- A lawyer who **texted** the client of his opposing counsel and characterized the later as **"polpol"** was disciplined by the court. The court reminded lawyers to abstain from all offensive personality (*Noble III v. Ailes*).
    - Though a lawyer's language may be forceful and emphatic, it should always be dignified and respectful, befitting the dignity of the legal profession.
- An lawyer who wrote in a pleading, that the judge is "pro-plaintiff," accused her of "serving a cheater," among others, was fined by the court for using intemperate language. The court reminded the bar: The lawyer's fidelity to his client must not be pursued at the expense of truth and orderly administration of justice. It must be done within the confines of reason and common sense (*Rodriguez-Manahan v. Flores*).
- Two lawyers were found guilty of direct contempt when they wrote in a motion for reconsideration that the three-justice panel was guilty of "gross ignorance of the law." This is because the imputation in a pleading of gross ignorance against a court or its judge, especially in the absence of any evidence, is a serious allegation (*Habawel v. CTA*).
- A prosecutor who uttered the words "Nakakairita kang babae ka! Putang Ina ka" toward a client was admonished by the court. Those utterances were deemed intemperate and improper (*Camacho v. Subong*).
- The Supreme Court has also deemed it fit to promulgate rules institutionalizing the use of gender-fair language in the judiciary.
    - Courts cannot and should not perpetuate gender stereotypes, which rest on unfounded generalizations regarding the characteristics and roles of binary and non-binary genders.[36]

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

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.

SECTION 7. ***Formal decorum and appearance.*** – A lawyer shall observe formal decorum before all courts, tribunals, and other government agencies.

[36] 2022 RULES ON THE USE OF GENDER FAIR LANGUAGE IN THE JUDICIARY AND GENDER-FAIR COURTROOM ETIQUETTES, A.M. No. 21-11-25-SC, pmbl.

A lawyer's attire shall be consistent with the dignity of the court, tribunal or other government agency, with due respect to the person's sexual orientation, gender identity, and gender expression.

- The Supreme Court does not insist on sartorial pomposity. It does not prescribe immutable minutiae for physical appearance. Still, professional courtesy demands that persons, especially lawyers, having business before courts, act with discretion and manifest this discretion in their choice of apparel.
    - Hence, a lawyer who wore a casual jacket, cropped jeans, and loafers without socks in a preliminary conference in the Supreme Court was found guilty of direct contempt of court (*Falcis v. Civil Registrar General*).

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.

- **Misleading the court** (forgeries)
    - A lawyer was disciplined for allowing other persons to sign an affidavit that were not written by them (*Sps. Umaguing v. De Vera*).
    - The submission of a fake bail bond to the court in favor of his own son (accused in a criminal case) subjects the lawyer to disbarment (*Sitaca v. Palomares*).
- **Plagiarism and misquotation**
    - In *In re Del Castillo*, the court held that plagiarism is a **deliberate and knowing presentation of another person's original ideas** or creative expressions as one's own. Thus, plagiarism presupposes **intent** and a deliberate, conscious effort to steal another's work and pass it off as one's own.
    - The court also admonished the labor arbiters below for quoting the syllabus or headnote of SCRA and citing it as if it is the court's work. The court reiterated that the syllabus is not the work of the court (*Allied Bank Corp. v. CA*).

SECTION 9. ***Obstructing access to evidence or altering, destroying, or concealing evidence.*** – A lawyer shall not obstruct another lawyer's access to evidence during trial, including testimonial evidence, or alter, destroy, or conceal evidence.

- This rule is particularly important when a case is in its discovery phase (*see* Rules 23 to 28, RULES OF CIV. PROC).

SECTION 10. ***Conduct in the presentation of a witness.*** – A lawyer shall avoid all forms of impropriety when presenting or confronting a witness.

A lawyer shall not coach, abuse, discriminate against, or harass any witness, in or out of the court, tribunal, or other government agency, or talk to a witness during a break or recess in the trial, while a witness is still under examination. Neither shall a lawyer direct, assist, or abet any misrepresentation or falsehood by a witness.

- The lawyer should act properly either when:
    - Presenting a witness (direct)
    - Confronting a witness (cross)

- And the lawyer shall not:
    - Coach, abuse, discriminate, or harass a witness
    - Talk to a witness during a break or recess, while still under examination
    - Direct, assist, or abet any misrepresentation or falsehood by a witness
- Hence, the CEDAW recommended that the Philippines take action in **removing prejudices or stereotypes** whenever our courts are handling rape cases. Subjecting a rape survivor to a line of questioning which reinforce these prejudices ultimately results in double victimization (*Vertido v. Philippines*).
- Too, the court suspended a lawyer who instructed his client (the accused in a criminal case), while testifying, to tell the judge a **deliberate falsehood** as to his involvement in the incident.
    - The lawyer's defense that he has the exclusive prerogative over the proper legal defenses was untenable because the lawyer has sworn in his oath not to do falsehood (*Belen v. Exconde*).

SECTION 11. ***False representations or statements; duty to correct.*** — A lawyer shall not make false representations or statements. 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 required by or submitted to the court, tribunal or agency, as soon as its falsity or inaccuracy is discovered or made known to him or her.

SECTION 12. ***Duty to report dishonest, deceitful or misleading conduct.*** — A lawyer shall immediately inform a court, tribunal, or other government agency of any dishonest, deceitful or misleading conduct related to a matter being handled by said lawyer before such court, tribunal, or other government agency.

A lawyer shall also report to the appropriate authority any transaction or unlawful activity that is required to be reported under relevant laws, including the submission of covered and suspicious transactions under regulatory laws, such as those concerning anti-money laundering. When disclosing or reporting the foregoing information to the appropriate court, tribunal, or other government agency, the lawyer shall not be deemed to have violated the lawyer's duty of confidentiality.

Any such information shall be treated with strict confidentiality.

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

SECTION 16. ***Duty to report life-threatening situations.*** — A lawyer who has reasonable grounds 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.

- Under Secs. 11, 12, ad 16, the lawyer has the duty to report:
    - Any false or inaccurate statement in any submission as soon as the falsity or inaccuracy is made known to him
    - Any dishonest, deceitful, or misleading conduct related to a matter being handled by a lawyer

- Any unlawful activity that is required to be reported by law (e.g., money laundering)
  - A baseless report subjects the reporter to the appropriate action.
- Any life-threatening situation that is likely to develop in any proceeding

SECTION 13. *Imputation of a 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.

- As officers of the court, lawyers are duty-bound to observe and maintain the respect due to the courts and judicial officers. They are to abstain from offensive or menacing language or behavior before the court and must refrain from attributing to a judge motives that are not supported by the record or have no materiality to the case (*Alpajora v. Calayan*).
- A lawyer's duty is to uphold the dignity and authority of the courts to which he owes fidelity, "not to promote distrust in the administration of justice."
  - As an officer of the court, it is a lawyer's sworn and moral duty to help build and not destroy unnecessarily that high esteem and regard towards the courts so essential to the proper administration of justice (*Mariano v. Laki*).
- Hence, the court disciplined a lawyer who alleged in a motion for inhibition that the judge "did not hear cases being handled by him directly."
  - The right of a party to seek the inhibition or disqualification of a judge who does not appear to be wholly free, disinterested, impartial and independent in handling the case must be balanced with the latter's sacred duty to decide cases without fear of repression.
  - Hence, **the party moving for inhibition must prove by clear and convincing evidence the specific instances of bias and prejudice** committed by the judge (*Madrid v. Dealca*).

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.

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

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.

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

- A **lawyer who prepared an opinion or decision for a judge**, even though it was not shown that the judge agreed to the same, was disciplined by the court, for it gave the appearances of influencing the court (*Lantoria v. Bunyi*).
- A lawyer is duty-bound to actively avoid any act that tends to influence, or may be seen to influence, the outcome of an ongoing case.
  - Hence, the court considered a lawyer's discussion, in private, inside the judge's chambers, as highly immoral.

  - Likewise, **influence peddling** is prohibited. In this case, by implying that he can influence Supreme Court Justices to advocate for his cause, the lawyer trampled upon the integrity of the judicial system and eroded confidence in the judiciary (*Dumlao v. Camacho*).
- In *In re Vasquez*, the court suspended a Court of Appeals justice when he:
  - Told his brother that he will vote his conscience, after the former urged him to vote for the government
  - Continued communicating, and even met with, an individual who tried to bribe him
    - These acts showed that the justice acted with poor judgment who should have acted in preservation of the dignity of his judicial office and the institution to which he belongs.

SECTION 17. *Non-solicitation and impermissible advertisement.* — A lawyer shall not, directly or indirectly, solicit, or appear to solicit, legal business.

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

A lawyer, law firm, or any of their representatives shall not pay or give any benefit or consideration to any media practitioner, award-giving body, professional organization, or personality, in anticipation of, or in return for, publicity or recognition, to attract legal representation, service, or retainership.

SECTION 18. *Prohibition against self-promotion.* — A lawyer shall not make public appearances and statements in relation to a terminated case or legal matter for the purpose of self-promotion, self-aggrandizement, or to seek public sympathy.

- **Rules on advertising:**
  - Only dignified, verifiable and factual information should be used.
  - A lawyer or law firm should not pay any journalist, award-giving body or organization in return for publicity or recognition.
  - In any case, the lawyer should not engage in self-promotion over a terminated case.

SECTION 19. *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
d. create a widespread perception of guilt or innocence before a final decision.

- Utterances which **merely reiterated** their arguments in a case, or **mentioned facts**, without malice, attack or insult, is not violative of the *sub-judice* rule.
  - **Intent is a necessary element in criminal contempt**, and no one can be punished for a criminal contempt unless the evidence makes it clear that he intended to commit it (*Marantan v. Diokno*).

- However, it is deemed a violation of the *sub-judice* rule if the utterances made were no longer included in the party's arguments, but rather direct and loaded attacks to the court (*In Re Republic v. Sereno)*.
- Interestingly, the court deemed as a violation of the sub-judice rule a post by a lawyer which accused the justices of "judicial tyranny," following the release of a decision. It is worth noting that at that time, only the press release of the decision came out (*In re Erfe*).

Gifts

> **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.
>
> **SECTION 30. *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.
>
> 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.

What is a gift?

- It is a thing or a right disposed of gratuitously, or any act or liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof. It shall not include an unsolicited gift of nominal or insignificant value not given in anticipation of, or in exchange for, a favor from a public official or employee.[37]
- *Receiving a gift* includes the act of accepting directly or indirectly, a gift from a person other than a member of his family or relative, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is neither nominal nor insignificant, or the gift is given in anticipation of, or in exchange for, a favor.[38]
    - As to what is a gift of nominal value will **depend on the circumstances** of each case taking into account the **salary** of the official or employee, the **frequency** or infrequency of the giving, the **expectation** of benefits, and other similar factors.[39]
- Hence, **RA 6713** prohibits soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of, his office.[40]
- Under the **Anti-Graft and Corrupt Practices Act**:
    - Receiving a gift – Includes the act of accepting directly or indirectly a gift from a person other than a member of the public officer's immediate family, in behalf of himself or of any member of his family or relative within the fourth civil degree, either by consanguinity or affinity, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is under the circumstances manifestly excessive.[41]

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[37] CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, § 3 (c).
[38] *Id*. § 3 (d).
[39] Civil Service Commission, Rules and Regulations Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Republic Act No. 6713, rule X, § 1 (f) (1) (1989).
[40] *Id*. rule X, § 1 (f).
[41] Anti-Graft and Corrupt Practices Act, Republic Act No. 3018, § 2 (c) (1960).

- Hence, it is unlawful to directly or indirectly request or receive any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any government permit or license, in consideration for the help given or to be given.[42]
- ***Exception:*** **Unsolicited gifts** or presents of **small or insignificant value** offered or given as a mere ordinary token of gratitude or friendship according to local customs or usage are permissible.[43]

Solicited and unsolicited gifts

- In *Mabini v. Raga*, the court sustained the view that to exonerate a member of the judiciary who received a gift, it must be shown that the gift is:
  - Unsolicited
  - Nominal in value
  - Not given in anticipation of, or in exchange of, a favor
- Worth noting, too, that there is an absolute prohibition of solicitation and receipt of contributions by the courts.
  - Hence, the Supreme Court dismissed a judge who solicited "donations" from a party-litigant for the alleged refurbishment of his office and for his travel expenses (*In re Virrey*).

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.

- Hence, the Supreme Court disciplined a lawyer who advised a client (German citizen) that a foreigner could legally and validly acquire real estate in the Philippines and by assuring complainant that the property was alienable, respondent deliberately foisted a falsehood on his client (*Stemmerick v. Mas*).

SECTION 23. ***Instituting multiple cases; forum shopping.*** — A lawyer shall not knowingly engage or through gross negligence in forum shopping, which offends against the administration of justice, and is a falsehood foisted upon the court, tribunal, or other government agency.

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

- There is **forum shopping** when the following elements are present:
  - Identity of parties
  - Identity of rights asserted and relief prayed
  - The identity of those two is such that any judgment rendered in the other action will amount to *res judicata* or *litis pendentia* (*Cadiente v. Peralta*)[44]
- Hence, in *Reyes v. Chiong,* the court disciplined a lawyer who filed a civil case to retaliate to his opposing counsel in a separate case. The lawyer is still bound not to file groundless suits, even if his client insisted on it.
- A similar situation was seen in *Cabarroguis v. Basa*, where the court disciplined a lawyer who filed multiple criminal complaints against an opposing counsel on the same cause of action.

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[42] *Id.* § 3 (c).
[43] *Id.* § 14.
[44] *See* 2019 AMENDMENTS TO THE 1997 RULES OF CIVIL PROCEDURE, rule 7, § 5.

- Hence, inasmuch as lawyers must guard themselves against their own impulses of initiating unfounded suits, they are equally bound to advise a client, ordinarily a layman on the intricacies and vagaries of the law, on the merit or lack of merit of his or her case.
- If the lawyer finds that his or her client's cause is defenseless, then it is his or her bounden duty to advise the latter to acquiesce and submit, rather than traverse the incontrovertible.
- Lawyers must resist the whims and caprices of their clients and to temper their propensities to litigate.

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's 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, unless when initiated by the client or with the knowledge of the latter's lawyer.

A lawyer, however, may give proper advice and assistance to anyone seeking relief against perceived unfaithful or negligent counsel based on the Code.

- **General rule**: A lawyer shall not encroach or interfere in another lawyer's work.
- **The following acts are considered encroachment**:
  - Attempt to communicate
  - Attempt to negotiate
  - Attempt to deal with the party-litigant
- The restriction applies whether a case is pending or not.
- **Exceptions** (i.e., interference is allowed):
  - The client initiates
  - The other lawyer is informed
  - A lawyer gives proper advice and assistance to anyone seeking relief against perceived unfaithful or negligent counsel.
- Hence, the court disciplined a lawyer who entered appearance purportedly on behalf of all the heirs, when in fact only two of them. By being less than candid about whom he was representing, respondent undeniably encroached upon the legal functions of complainant as the counsel of record of the other heirs (*Garcia v. Lopez*).
- A lawyer was also disciplined after entering appearance on behalf of his client. However, said lawyer was only authorized to represent in court proceedings, not in the NLRC.
  - Not having been engaged by the client to appear before the NLRC, Atty. Sevandal had no authority to enter his appearance as counsel and encroach on the services of another lawyer (*Sevandal v. Adame*).
- In *Binay-an v. Addog*, the court considered as interference when the opposing counsel directly negotiated with the clients of the other party, made them execute an affidavit of desistance, and notarized said affidavits. Worse, the affidavits were in exchange for a sum of money.
- In any case, before taking over a case handled by a peer in the Bar, a lawyer is enjoined to obtain the conformity of the counsel whom he would substitute.
  - If this cannot be had, then he should, at the very least, give notice to such lawyer of the contemplated substitution (*In re Soriano*).

SECTION 25. *Responsibility of a solo practitioner.* – A lawyer in solo practice shall ensure that all matters requiring such lawyer's professional skill and judgment are promptly and competently addressed.

SECTION 28. *Dignified government service.* – Lawyers in government service shall observe the standard of conduct under the CPRA, 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 CPRA by lawyers in government service shall be subject to disciplinary action, separate and distinct from liability under pertinent laws or rules

SECTION 30. *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.

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.

See relevant discussion above.

- Lawyers in government service in the discharge of their official task have more restrictions than lawyers in private practice. Want of moral integrity is to be more severely condemned in a lawyer who holds a responsible public office.
    - Hence, the court disbarred an official in the Bureau of Immigration who took money from a client, misappropriated the funds, and issued worthless checks to reimburse it (*Huyssen v. Gutierrez*).
- In *Lacerna v. Mapalo*, the court held that the rules on impartiality and inhibition of judges also apply to members of administrative agencies performing quasi-judicial functions (like the Agrarian Reform Adjudication Boards).
    - Hence, a lawyer who sat in the RARAB proceedings must inhibit when the case comes up to DARAB (*Lacerna v. Mapalo*).

SECTION 31. *Prosecution of criminal cases.* – The primary duty of a public prosecutor is not to convict but to see that justices is done.

Suppressing facts, concealing of, tampering with or destroying 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 the private prosecutor shall also be imposed upon lawyers in the private practice who are authorized to prosecute under the direct supervision and control of the public prosecutor.

- The question of instituting a criminal charge is one addressed to the sound discretion of the prosecutor.
    - In a clash of views between the judge who did not investigate and the fiscal who did, or between the fiscal and the offended party or the defendant, those of the prosecutor's should normally prevail (*People v. Pineda*).

SECTION 32. *Lawyers in the academe.* – A lawyer serving as a dean, administrative officer, or faculty member of an educational institution shall at all time adhere to the standards of behavior required of members of the legal profession under the CPRA, observing propriety, respectability, and decorum inside and outside the classroom, and in all media.

SECTION 33. *Conflict of interest for lawyers in the academe.* – A lawyer serving as a dean, administrative officer, or faculty member of an educational institution shall disclose to the institution any adverse interest of a client.

Under discovery of any adverse interest of the lawyer's client which directly affects any student who is under his or her direct supervision and guidance, the lawyer shall likewise disclose the same to the institution.

- Duties of lawyers in the academe:
    - Must always adhere to CPRA standards of behavior
    - Must observe propriety, respectability, and decorum:
        - Inside the classroom
        - Outside the classroom
        - In all media
    - Must disclose to the institution any adverse interest of a client
    - If a client's adverse interest directly affects any student under the lawyer's direct supervision and guidance, the lawyer must likewise disclose this to the institution
- A law professor's responsibilities and expectations are even more heightened because he *is* a law professor.
    - He should be a beacon of righteous and conscientious conduct.
    - As a molder of minds of soon-to-be lawyers, should guide his students to behave and act in a manner consistent with the lofty standards of the legal profession.
    - Hence, the court suspended a lawyer, for five years, for committing acts of sexual harassment toward his students (*In re Co Untian*).

SECTION 34. *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.

SECTION 35. *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, except when allowed by the law or rules;

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; and
h. perform any of the duties that only lawyers may undertake.

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

	Law student practitioner	**Paralegal**
Status	Certified law student practitioner under a supervising lawyer	Non-lawyer employee/retained assistant of a lawyer, law office, corporation or government agency
Supervision	Must always act under supervision *and* approval of a supervising lawyer	Must act under the direction *or* supervision of a lawyer
Scope of work	Depending if Level 1 or 2 certification.	Tasks requiring familiarity with legal concepts but non-diagnostic and non-advisory in nature
Can give advice?	Yes	No
Can appear?	Yes	No
Can draft legal documents?	Yes	Only assist the lawyer in doing so, but cannot independently sign or issue opinions
Can negotiate?	Yes	No
Professional responsibility	Adhere to law student practice rules; supervised by the court and law school	Bound by confidentiality obligations of the supervising lawyer; cannot hold themselves out as lawyers
Functions	Limited practice of law	Delegable functions of a lawyer

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.

SECTION 36. ***Responsible use.*** — A lawyer shall have the duty to understand the benefits, risks, and ethical implications associated with the use of social media.

SECTION 37. ***Online posts.*** — A lawyer shall ensure that his or her online posts, whether made in a public or restricted privacy setting that still holds an audience, uphold the dignity of the legal profession and shield it from disrepute, as well as maintain respect for the law.

SECTION 38. ***Non-posting of false or unverified statements, disinformation.*** — A lawyer shall not knowingly or maliciously post, share, upload or otherwise disseminate false or unverified statements, claims, or commit any other act of disinformation.

SECTION 39. ***Prohibition against fraudulent accounts.*** — A lawyer shall not create, maintain or operate accounts in social media to hide his or her identity for the purpose of circumventing the law or the provisions of the CPRA.

SECTION 40. ***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 the CPRA.

SECTION 41. ***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.

SECTION 42. ***Prohibition against influence through social media.*** — A lawyer shall not communicate, whether directly or indirectly, with an officer of any court, tribunal, or other government agency through social media to influence the latter's performance of official duties.

SECTION 43. ***Legal information; legal advice.*** — Pursuant to a lawyer's duty to society and the legal profession, a lawyer may provide general legal information, including in answer to questions asked, at any fora, through traditional or electronic means, in all forms or types of mass or social media.
A lawyer who gives legal advice on a specific set of facts as disclosed by a potential client in such fora or media dispenses Limited Legal Service and shall be bound by all the duties in the CPRA, in relation to such Limited Legal Service.

SECTION 44. ***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 the CPRA.

- As a general rule, lawyers must uphold the dignity of the profession in all social media interactions, enhancing public confidence in the legal system and promoting responsible use.
- Specifically:
    - The lawyer has the duty to understand benefits, risks, and ethical implications of social media
    - Posts must uphold the dignity of the profession, protect the profession from disrepute, and maintain respect for the law
    - A lawyer is prohibited from knowingly posting or sharing false, unverified, or disinformation
    - A lawyer is prohibited from creating/operating accounts under false identity to circumvent law or CPRA
    - He is also prohibited from disclosing privileged or confidential client information in posts, except when allowed by law or CPRA
    - He has the duty to prevent inadvertent, unauthorized disclosure or access to client information when using social media for communication
    - A lawyer is prohibited from using social media to communicate with court/tribunal/government officers to influence their official duties
    - In general, he must exercise prudence in posting to avoid violating conflict of interest rules
- Lawyers can give general legal information via traditional, electronic and social media.
    - But if specific advice is given, it will be considered as *limited legal service*. Hence, the CPRA will now apply.
- The lawyers' right to privacy, especially when it comes to their social media account, is limited. They cannot use this right as a shield against any liability. At best, the right to privacy has limited application to online activities of lawyers.

- There can be no reasonable expectation of privacy as regards social media postings, regardless if the same are "locked," precisely because the access restriction settings in social media platforms do not absolutely bar other users from obtaining access to the same (*In re disturbing social media posts*).
- Hence, it is not a defense that a lawyer did not intend to upload to social media a video clip of him hurling invectives.
    - As a lawyer, it was reasonable to expect that he understood the consequences of recording the video, its benefits, if any, risks, and ethical implications, including the likelihood of it spreading indiscriminately, becoming available to anyone on social media, and the influence that it could have on lawyers and non-lawyers alike, not to mention the children who have been exposed, or have yet to be exposed, to the said video clip (*In re Gadon*).

End of midterms coverage.