



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

**SECOND DIVISION**

**CARMELITA CANETE,**  
Complainant,

**A.C. No. 10949**  
**[Formerly CBD Case No. 13-3915]**

- versus -

Present:

**ATTY. ARTEMIO PUTI,**  
Respondent.

*CARPIO, J., Chairperson,\**  
*CAGUIOA,\*\**  
*J. REYES, JR.,*  
*LAZARO-JAVIER, and*  
*ZALAMEDA, JJ.*

Promulgated:

14 AUG 2019

x-----*Haroldo Lopez*-----x

**DECISION**

**CAGUIOA, J.:**

Before the Court is an administrative complaint<sup>1</sup> (complaint) filed by Carmelita Canete (Canete) against Atty. Artemio Puti (Atty. Puti) with the Commission on Bar Discipline (CBD), Integrated Bar of the Philippines (IBP).

In her complaint, Canete claimed that her husband was a victim in a criminal case for kidnapping for ransom with double murder filed against Atty. Puti's client. Canete averred that Atty. Puti had, in numerous occasions, appeared in court while he was intoxicated and made discourteous and inappropriate remarks against the public and private prosecutors as well as the judge.<sup>2</sup>

\* On official leave.  
\*\* Designated Acting Chairperson per Special Order No. 2688 dated July 30, 2019.  
<sup>1</sup> CBD Case No. 13-3915.  
<sup>2</sup> Id. at 2-5.

Canete claimed that Atty. Puti provoked her private counsel, Atty. Arturo Tan (Atty. Tan), by calling him “bakla” in open court during the hearing on May 9, 2013:

ATTY. MALABANAN:

Objection, [Y]our Honor. Before the witness is confronted with this question, may I ask counsel, Atty. Puti, if that copy... Because that is vital and substantial and this was previously marked as our exhibit in our offer of evidence, this June 26. My point is, where did Atty. Puti get that document. That it is stated that it appears it was on June 26, 2008, appearing on [TSN]<sup>3</sup> May 13, 2009, when the prosecution and this representation have the same copies, your Honor. I think it is more right and that document is wrong [or] falsified.

ATTY. TAN:

May we ask the counsel to confront the witness with a correct document. What we have is the duplicate original, your Honor. Atty. Puti is referring to a [photocopy].

ATTY. PUTI:

All of them, [Y]our Honor, please, are my enemies?

ATTY. TAN:

No, [Y]our Honor. We [are] just [putting] everything in the proper context.

ATTY. PUTI

“Ako muna, [hijo]. **Ikaw naman para kang bakla.**”<sup>4</sup> (Emphasis supplied)

Also, during the February 14, 2013 hearing, Atty. Puti again became disrespectful towards Atty. Tan:

ATTY. TAN:

Your Honor, we take exception to that statement.

ATTY. PUTI:

I am not yet through.

ATTY. TAN:

We take exception to that allegation.

ATTY. PUTI:

Atty. Tan, you can react after my argument. My goodness!

ATTY. TAN:

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<sup>3</sup> Transcript of Stenographic Notes.

<sup>4</sup> Id. at 66-67.

Making an allegation is an exception, [Y]our Honor.

ATTY. PUTI:

**That is unethical. You behave like a lawyer.**<sup>5</sup> (Emphasis supplied).

Likewise, Atty. Puti also made inappropriate remarks against the public prosecutor, as seen in the following exchanges during the hearing on March 14, 2013:

ATTY. TAN:

Objection, [Y]our Honor. Already answered, [Y]our Honor.

ATTY. PUTI:

**No Answer! Bakit 2 kayong prosecutor? Malaki siguro bayad sa inyo.**

PROS. DELOS SANTOS:

Your Honor, as lead counsel for the public and for the government, we would like the Court to please advise counsel, Atty. Puti, to refrain from making personal statements as it will heighten the tension and stress of everybody here inside the courtroom. We beg. I just heard him "Malaki siguro ang bayad sa inyo." May we put that on record. That is very unprofessional. He used to be a public prosecutor!<sup>6</sup> (Emphasis supplied)

In addition, Canete also alleged that during the May 9, 2013 hearing, Atty. Puti uttered the words "to the handsome public prosecutor" with seething sarcasm.<sup>7</sup>

Lastly, Canete averred that during the May 22, 2013 hearing, Atty. Puti repeatedly bullied and threatened the judge in open court:

ATTY. PUTI:

I object.

COURT:

[Okay], proceed.

ATTY. PUTI:

I object. Strongly object, [Y]our Honor.

COURT:

Let him proceed.

x x x x

ATTY. PUTI:

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<sup>5</sup> Id. at 12.

<sup>6</sup> Id. at 268-269.

<sup>7</sup> Id. at 125.

I would like to make of record that I have a continuous objection.

COURT:

[Okay]! You have a continuing objection but I will allow him.

ATTY. TAN:

Thank you, [Y]our Honor.

ATTY. PUTI:

**That is an abuse of discretion on your part, [Y]our Honor.**

COURT:

But let him proceed.

ATTY. PUTI:

[Okay]!

COURT:

Let him proceed. If you do not like my ruling, you can file a certiorari, if you want.

x x x x

ATTY. PUTI:

Your Honor, this time, I am [half] objecting. Because there was no testimony from this witness. This is why I was insisting a while ago that the witness be confronted with such testimony. Otherwise, if the Court will allow the cross-examiner to ask that question, I will withdraw from appearing in this case because I would not like to participate in this kind of trial, **partial trial. This is an abuse of discretion.**

ATTY. TAN:

Well, [Y]our Honor, first, is Atty. Puti talking about the statement made by this witness during his direct testimony as witness for Mariano de Leon? We will not have that because the transcript [is] not ready. It is impossible for me to confront him with the transcript of the last hearing. It is not here with us.

ATTY. PUTI:

That is the reason why the Prosecutor is guessing, making false question. Because the question is improper as there was no testimony to that effect. If he will not be confront[ed] with such testimony and then the Court will allow that, please, I beg of this [court], **I will withdraw. I will walk out.**

x x x x

ATTY. PUTI:

Why does the Honorable Judge [allow] the private prosecutor to make some kind of arguments when he is allowed to answer for an objection on legal ground?

Why [does] the Honorable Court [allow] him to argue? To [speak]?

COURT:

Because you are also arguing. You were the first one arguing.

ATTY. PUTI:

I do not want to stipulate but.

COURT:

You want to control the proceedings?

ATTY. PUTI:

**I don't want to think the Honorable Court is bias[ed].**

COURT:

For you to argue and for him not to argue?

ATTY. PUTI:

**I am going to think the Honorable Court is bias[ed].**<sup>8</sup> (Emphasis supplied)

For his part, Atty. Puti prayed for the dismissal of the complaint against him.<sup>9</sup> He denied ever appearing intoxicated in court.<sup>10</sup> He also claimed that it was Atty. Tan who provoked him when the latter made threats against him.<sup>11</sup> According to him, it was his duty to call out the judge for being biased and that he was only discharging his duties to his client by representing him with zeal.<sup>12</sup>

A mandatory conference was held and both parties were subsequently ordered to submit their position papers.

#### *Findings of the IBP*

The Investigating Commissioner of the CBD issued a Report and Recommendation<sup>13</sup> finding Atty. Puti liable for misconduct for violating the Lawyer's Oath and the Code of Professional Responsibility and recommending his suspension for two (2) years from the practice of law.<sup>14</sup> The Investigating Commissioner found that Atty. Puti failed to conduct himself with courtesy, fairness, and candor toward his professional

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<sup>8</sup> Id. at 211-224.

<sup>9</sup> Id. at 16-17.

<sup>10</sup> Id. at 14.

<sup>11</sup> Id. at 14-15.

<sup>12</sup> Id. at 15-16.

<sup>13</sup> Id. at 318-325. Prepared by Commissioner Erwin A. Aguilera.

<sup>14</sup> Id. at 325.



colleagues.<sup>15</sup> Further, his act of imputing bias on the judge was without basis and uncalled for.<sup>16</sup> Furthermore, his act of appearing at hearings while intoxicated was in utter disrespect to the court.

In Resolution No. XXI-2014-785, the IBP Board of Governors adopted and approved the Report and Recommendation of the Investigating Commissioner, with modification:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding the recommendation to be fully supported by the evidence on record and applicable laws, and for violation of the Lawyer's Oath, Canon 8, Rule 10.01, 10.03, Canon 10 and Canon 11 of the Code of Professional Responsibility, Atty. Artemio Puti is hereby **SUSPENDED from the practice of law for six (6) months.**<sup>17</sup>

Based on the records,<sup>18</sup> Atty. Puti did not file a motion for reconsideration despite receipt of the IBP Resolution.

### ***Ruling of the Court***

The Court adopts the findings of the IBP, with modifications.

Canete filed the instant complaint against Atty. Puti for: 1) appearing in the hearings while drunk; 2) provoking and insulting the prosecutors; and 3) disrespecting the court. These grounds shall be discussed in *seriatim*.

On the allegation that Atty. Puti appeared intoxicated in court on numerous occasions, Canete claimed that these were witnessed by several court personnel, his co-counsels, and opposing counsels.<sup>19</sup> Atty. Puti denied such claim and argued that there is no evidence on record that he appeared in court while intoxicated.<sup>20</sup> The Court agrees with Atty. Puti. It was not sufficiently proven that Atty. Puti ever appeared at a court hearing while he was intoxicated — despite Canete's claim that the same was witnessed by several persons. Thus, Atty. Puti cannot be held liable on this ground.

Regarding the second ground, the TSN of the hearings held at the trial court plainly show that Atty. Puti employed impertinent and discourteous language towards the opposing counsels.

To recall, Atty. Puti called Atty. Tan "bakla" in a condescending manner. To be sure, the term "bakla" (gay) itself is not derogatory. It is used to describe a male person who is attracted to the same sex. Thus, the term in itself is not a source of offense as it is merely descriptive. However, when "bakla" is used in a pejorative and deprecating manner, then it becomes derogatory. Such offensive language finds no place in the courtroom or in any

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<sup>15</sup> Id. at 323.

<sup>16</sup> Id.

<sup>17</sup> Id. at 317. Italics omitted.

<sup>18</sup> Id. at 328.

<sup>19</sup> Id. at 2.

<sup>20</sup> Id. at 14.

other place for that matter. Atty. Puti ought to be aware that using the term “bakla” in a derogatory way is no longer acceptable — as it should have been in the first place. Verily, in *Sy v. Fineza*,<sup>21</sup> the Court ruled that the respondent judge’s act of ruling that a witness should not be given any credence because he is a “bakla” was most unbecoming of a judge.<sup>22</sup>

As against the public prosecutors, Atty. Puti made the following statement: “Bakit 2 kayong prosecutor? Malaki siguro bayad sa inyo.”<sup>23</sup> Such remark was clearly unprofessional, especially since Atty. Puti used to be a public prosecutor.<sup>24</sup> By nonchalantly accusing the prosecutors of having been bribed or otherwise acting for a valuable consideration, Atty. Puti overstepped the bounds of courtesy, fairness, and candor which he owes to the opposing counsels.

For his statements against the private and public prosecutors, Atty. Puti violated the following provisions under the Code of Professional Responsibility:

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

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

As regards the final ground, the TSN of the May 22, 2013 hearing shows that Atty. Puti made several remarks against the judge. Specifically, Atty. Puti stated in open court that the judge was abusing his discretion and implied that the judge was partial and biased. Moreover, Atty. Puti threatened the judge that he would withdraw from the case and walk out if his request was not granted. Again, such statements were improper.

While a lawyer, as an officer of the court, has the right to criticize the acts of courts and judges, the same must be made respectfully and through legitimate channels. In this case, Atty. Puti violated the following provisions in the Code of Professional Responsibility:

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

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

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

As a defense, Atty. Puti claimed that he was merely doing his duty to call out the judge for being biased. He maintained that he was only discharging

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<sup>21</sup> 459 Phil. 780 (2003).

<sup>22</sup> Id. at 791.

<sup>23</sup> *Rollo*, p. 268.

<sup>24</sup> Id. at 269.



his duties to his client by representing him with zeal. Such contention deserves scant consideration.

While zeal or enthusiasm in championing a client's cause is desirable, unprofessional conduct stemming from such zeal or enthusiasm is disfavored.<sup>25</sup>

On the penalty to be imposed, the Court disagrees with the IBP's recommendation that Atty. Puti be suspended from the practice of law for six (6) months. While Atty. Puti is found to have violated the Code of Professional Responsibility, suspension from the practice of law is not a commensurate penalty. The Court has consistently held that disbarment and suspension of an attorney are the most severe forms of disciplinary action, which should be imposed with great caution. They should be meted out only for duly proven serious administrative charges.<sup>26</sup>

Thus, while Atty. Puti is guilty of using inappropriate language against the opposing counsels and the judge, such transgression is not of a grievous character as to merit his suspension since his misconduct is considered as simple rather than grave.

In *Saberon v. Lorong*,<sup>27</sup> the Court meted the penalty of fine of ₱2,000.00 for a lawyer's use of intemperate language for referring to a party's pleadings as "a series of blackmail suits." In *Bacatan v. Dadula*,<sup>28</sup> the Court fined a lawyer for ₱2,000.00 for making unfounded accusations of partiality, bias, and corruption against the prosecutor. More recently, in *Quilendrino v. Icasiano*,<sup>29</sup> a lawyer was reprimanded for violating Canon 8, Rule 8.01, Canon 11, and Rule 11.03 of the Code of Professional Responsibility.

As applied to this case, the Court finds it best to temper the penalty for Atty. Puti's infraction. The Court also takes into consideration that this is the first administrative case against Atty. Puti in his more than three decades in the legal profession.

**WHEREFORE**, finding Atty. Artemio Puti **GUILTY** of violating Canons 8 and 11 and Rules 8.01, 11.03, and 11.04 of the Code of Professional Responsibility, the Court **REPRIMANDS** him with **STERN WARNING** that a repetition of the same or similar act in the future will be dealt with more severely.

Let a copy of this Decision be attached to Atty. Puti's personal records in the Office of the Bar Confidant.

<sup>25</sup> *Bacatan v. Dadula*, 794 Phil. 437, 444 (2016).

<sup>26</sup> *Saberon v. Larong*, 574 Phil. 510, 520 (2008).

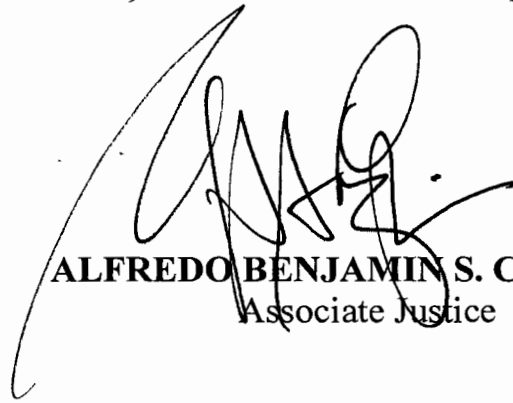
<sup>27</sup> *Id.*

<sup>28</sup> *Supra* note 25.

<sup>29</sup> A.C. No. 9332, February, 27, 2019. (Notice)



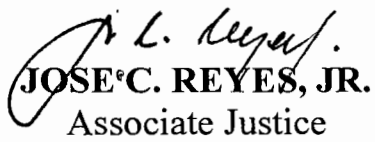
**SO ORDERED.**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

WE CONCUR:

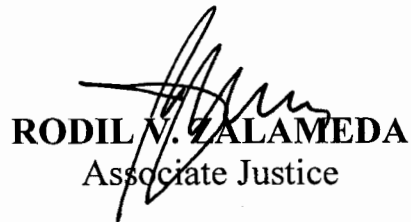
(on official leave)  
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson



**JOSE C. REYES, JR.**  
Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice



**RODIL V. ZALAMEDA**  
Associate Justice