



Republic of the Philippines  
 Supreme Court  
 Bacolod City

SUPREME COURT OF THE PHILIPPINES  
 PUBLIC INFORMATION OFFICE

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EN BANC

VIVIAN A. RUBIO,

*Complainant,*

A.C. No. 13358

[Formerly CBD Case No. 18-5770]

Present:

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

- versus -

Promulgated:

ATTY. JOSE F. CAOIBES, JR.,

*Respondent.*

November 29, 2022

X-----X  
 \_\_\_\_\_  
 X-----X

DECISION

**PER CURIAM:**

Before this Court is the Complaint-Affidavit<sup>1</sup> filed by Vivian A. Rubio (complainant) against Atty. Jose F. Caoibes, Jr. (respondent) before the Integrated Bar of the Philippines (IBP) for the alleged

\* On official leave.

\*\* On official business.

<sup>1</sup> *Rollo*, pp. 2-13.

violation of Rule 138 of the Rules of Court, Bar Matter (B.M.) No. 850,<sup>2</sup> A.M. No. 02-08-13-SC promulgated on July 6, 2004, or the 2004 Rules on Notarial Practice (the Notarial Rules), and the Code of Professional Responsibility (CPR).

### *The Antecedents*

In the Complaint-Affidavit, complainant alleged the following:

Respondent filed a complaint for *Estafa* against her over the amount of ₱4,500.00 with the Municipal Trial Court (MTC) of Calaca, Batangas. Before the prosecution could continue to present its evidence, respondent moved for the mediation of the matter. Consequently, she agreed to pay respondent ₱200,000.00 for the dismissal of all the cases that he filed against her and her mother Luz Rubio.<sup>3</sup> She paid ₱100,000.00 on April 3, 2018, as evidenced by a Deposit Receipt.<sup>4</sup> Based on the Acknowledgment Receipt,<sup>5</sup> she fully paid the amount due on April 10, 2018.

However, respondent refused to sign the Affidavit of Desistance that complainant's counsel had drafted; instead, he prepared his own document entitled Combined Affidavits of Admissions and Desistance<sup>6</sup> (Combined Affidavits). She refused to sign the Combined Affidavits because it required her to admit her guilt of the charges against her.<sup>7</sup> As a result, respondent did not move for the dismissal of the pending cases against her. In addition, respondent disparaged her in his Letters<sup>8</sup> to her counsel dated May 4 and May 16, 2018.<sup>9</sup>

Notably, she was facing three more criminal cases in the MTC of Calaca, Batangas and MTC of Balayan, Batangas, at the time she filed the present disbarment complaint.<sup>10</sup>

<sup>2</sup> Entitled, "Adopting the Revised Rules on the Continuing Legal Education for Members of the Integrated Bar of the Philippines," dated October 2, 2001.

<sup>3</sup> *Rollo*, pp. 2-3, 159-160.

<sup>4</sup> *Id.* at 14.

<sup>5</sup> *Id.* at 15.

<sup>6</sup> *Id.* at 17-18.

<sup>7</sup> *Id.* at 3.

<sup>8</sup> *Id.* at 21-22, 23-25.

<sup>9</sup> *Id.* at 3-4.

<sup>10</sup> *Id.* at 160.

*Dec*

Appalled by the events that transpired, she began to inquire on the demeanor of respondent. She learned that on April 17, 2018, respondent filed a “Manifestation and Urgent Omnibus Motion for Immediate Voluntary Inhibition Instead of a Motion for Reconsideration in ths [sic] Case and the Same Inhibition Also in Undersigned’s Other Ppersonal [sic] Cases in this Court and in the MTC of Balayan, Batangas”<sup>11</sup> (2018 Manifestation and Motion) in Criminal Case No. 3553 entitled *People of the Philippines vs. Rosauro Hernandez y Malabanan*, which was pending before the MTC of Calaca and presided by Judge Vicente B. Montes (Judge Montes). She observed that respondent used cruel and disrespectful words against Judge Montes in the 2018 Manifestation and Motion, and he even threatened to file an administrative case against the latter and walked out from his *sala*.<sup>12</sup>

Complainant also discovered that respondent filed a “Manifestation (RE: Decision of Acquittal)”<sup>13</sup> (2015 Manifestation) dated March 23, 2015 in Criminal Case No. 6594 entitled *People of the Philippines vs. Joemari P. Rivera* that was pending before the Regional Trial Court (RTC) of Balayan. In the 2015 Manifestation, she noted that respondent (the private complainant in the case) attacked the integrity of Judge Rolando E. Silang (Judge Silang), who acquitted the accused therein to the dismay of respondent.<sup>14</sup>

Many cases had been filed by respondent and have been pending for years because judges have opted to inhibit due to the motions for inhibition filed by respondent.<sup>15</sup>

Further, respondent had indicated in his pleadings the statement, “MCLE Compliance presently being updated.” However, per the Certification<sup>16</sup> dated April 24, 2018 from the Mandatory Continuing Legal Education (MCLE) Office, she and her counsel had confirmed that respondent was neither compliant with nor exempt from the MCLE requirement. Moreover, respondent used various Roll of Attorneys numbers (roll numbers) that did not belong to him in his pleadings.<sup>17</sup>

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<sup>11</sup> Id. at 26-29.

<sup>12</sup> Id. at 4-5, 160.

<sup>13</sup> Id. at 40-45.

<sup>14</sup> Id. at 5, 160.

<sup>15</sup> Id. at 5.

<sup>16</sup> Id. at 73.

<sup>17</sup> Id. at 5-6, 160-161.

*One*

Respondent was issued a notarial commission by the RTC of Lemery, Batangas, but he notarized documents in Calaca, Batangas which was clearly outside of his notarial commission's jurisdiction. Notably, the Office of the Clerk of Court of the RTC of Balayan, Batangas issued a Certification<sup>18</sup> dated May 16, 2018 that respondent was *not among those who are commissioned as notary public in and for the municipalities* within its territorial jurisdiction from 2014 up to the present.<sup>19</sup>

Complainant posited that the foregoing acts of respondent violated Rules 1.01 and 1.02, Canon 1; Rule 3.01, Canon 3; Canon 5; Rule 10.01, Canon 10; Canon 11; and Rules 12.02 and 12.04, Canon 12 of the CPR.<sup>20</sup> Thus, complainant filed the disbarment complaint against him before the IBP.<sup>21</sup>

On July 30, 2018, the IBP required respondent to file his answer to the complaint within 15 days from his receipt thereof.<sup>22</sup> Respondent thereafter filed the following motions:

1. Very Urgent *Ex-Parte* Last Motion for Additional Five (5) Days to Answer<sup>23</sup> dated October 24, 2018, praying that he be allowed a last extension to file his answer until October 29, 2018;
2. Undated *Ex-Parte* Manifestation and Motion<sup>24</sup> in which he stated that he has abandoned his law practice and has no source of income apart from his notarial practice in Calaca, Batangas and prayed that he be allowed to file his answer until November 4, 2018;
3. Urgent *Ex-Parte* Manifestation and Motion<sup>25</sup> dated November 5, 2018, seeking 10 more additional days to file his answer, or until November 15, 2018; and

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<sup>18</sup> Id. at 80.

<sup>19</sup> Id. at 6, 161.

<sup>20</sup> Id. at 7-9.

<sup>21</sup> Id. at 2-13.

<sup>22</sup> Id. at 91.

<sup>23</sup> Id. at 97.

<sup>24</sup> Id. at 101.

<sup>25</sup> Id. at 94.

4. Urgent *Ex-Parte* Manifestation and Motion (Definitely for a Last Extension of Time to File Answer)<sup>26</sup> dated November 15, 2018, praying that he be allowed to file his answer on or before November 21, 2018.

On December 11, 2018, the IBP finally received respondent's Answer<sup>27</sup> dated November 21, 2018.<sup>28</sup> Respondent argued that:

*First*, complainant did not come to court with clean hands. She was convicted in Criminal Case No. 7981 of *Estafa* wherein he was the private complainant. Complainant's conviction had become final and executory and she is currently under probation based on the MTC's Order<sup>29</sup> dated October 2, 2018. In addition, complainant is in an immoral live-in relationship and has three children who have different fathers. Complainant has never been married.<sup>30</sup>

*Second*, the last case that he handled was Criminal Case No. 3553 before the MTC of Calaca, Batangas. He ceased to appear as counsel after June 21, 2018 because his MCLE requirement was not up to date. He can no longer afford to complete his MCLE requirement due to his physical and economic situation. Thus, he decided to abandon his legal practice.<sup>31</sup>

*Third*, he did not notarize documents outside of his notarial commission's jurisdiction. This is because his notarial commission covered the Province of Batangas per the Certification<sup>32</sup> dated August 22, 2017 issued by Executive Judge Mary Jane B. Valeza-Maranan of the RTC of Lemery, Batangas.<sup>33</sup>

Both parties attended the mandatory conference on March 9, 2020. The IBP then issued an Order<sup>34</sup> dated July 24, 2020 directing the parties

<sup>26</sup> Id. at 95. Underscoring in the original.

<sup>27</sup> Id. at 103-107.

<sup>28</sup> Id. at 158.

<sup>29</sup> Id. at 108; signed by Judge Designate Elizabeth M. Evangelista-Ilagan.

<sup>30</sup> Id. at 103-104, 161.

<sup>31</sup> Id. at 104-105, 161.

<sup>32</sup> Id. at 109.

<sup>33</sup> Id. at 105, 162.

<sup>34</sup> Id. at 143-144.

to inform the Commission if they were capable of participating by video conference or if they were willing to waive the conduct of another mandatory conference and proceed with the submission of their position papers. Complainant only manifested her preference to receive notices through her email. As such, the IBP declared the mandatory conference waived in its Order<sup>35</sup> dated February 4, 2021. Complainant filed her position paper as required by the IBP while respondent did not.<sup>36</sup>

*Report and Recommendation of the IBP*

In the Report and Recommendation<sup>37</sup> dated May 31, 2021, Investigating Commissioner Rogelio D. Torres, Jr. (Investigating Commissioner) recommended that respondent be disbarred from the practice of law in view of his transgressions, *viz.*:

In view of the foregoing premises, the undersigned is compelled to respectfully recommended [*sic*] that the instant *Complaint* be sustained and respondent be held administratively liable for violating the Lawyer's Oath, Code of Professional Responsibility and Rules on Notarial Practice. It is recommended that the respondent be DISBARRED.

RESPECTFULLY SUBMITTED.<sup>38</sup> (Emphases omitted.)

The Investigating Commissioner's findings and conclusions are as follows:

*First*, respondent violated the Lawyer's Oath when he offered to have the criminal cases against complainant dismissed despite knowing that once a criminal case is filed, only its civil aspect may be dismissed by the parties. Moreover, he demanded the amount of ₱200,000.00 from complainant which is 4,444% higher than the original amount of ₱4,500.00 that the latter owed. Respondent took advantage of complainant and her mother when he asked for a significant amount, only to renege on his commitment to sign an affidavit of desistance in relation to the criminal cases after he received payment thereof.<sup>39</sup>

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<sup>35</sup> Id. at 145-146.

<sup>36</sup> Id. at 159.

<sup>37</sup> Id. at 158-171.

<sup>38</sup> Id. at 171.

<sup>39</sup> Id. at 163-164.

*Done*

*Second*, respondent violated Rule 10.01, Canon 10 of the CPR and B.M. No. 1132<sup>40</sup> dated April 1, 2003, as amended, when he used different roll numbers in his pleadings. According to the Certification dated April 24, 2018 issued by the MCLE Office, respondent's roll number is 30889. However, he used the following roll numbers in the pleadings he filed with the MTC and the RTC:

Pleading	Roll No.
Very Urgent Motion for Voluntary Inhibition <sup>41</sup> in Criminal Case No. 6603 pending before the RTC of Balayan, Batangas (Very Urgent Motion)	30889
2018 Manifestation and Motion <sup>42</sup>	31889
Motion to Apply Sec. 11(e), Rule 119 of the <i>Revised Rules on Criminal Procedure</i> on Reverse Trial in this Case <sup>43</sup> in Criminal Case No. 3553 (Motion to Apply)	31889
Very Imphatic [ <i>sic</i> ] Manifestation <sup>44</sup> in Criminal Case Nos. 3529, 3554, 3555, and 7978 pending before the MTC of Calaca ("Very Imphatic" Manifestation)	31889
Compromise Agreement <sup>45</sup> in Criminal Case No. 3507 pending before the MTC of Calaca (Compromise Agreement)	38889 <sup>46</sup>

<sup>40</sup> Bar Matter No. 1132 (*Re: Resolution No. 112-2002 of the Sangguniang Panlalawigan of Ilocos Norte, Request to Require Lawyers to Indicate in the Pleading their Number in the Roll of Attorneys.*)

x x x x

The Court Resolved upon recommendation of the Office of the Bar Confidant, to GRANT the request of the Board of Governors of the Integrated Bar of the Philippines and the Sangguniang Panlalawigan of Ilocos Norte to require all lawyers to indicate their Roll of Attorneys Number in all papers or pleadings submitted to the various judicial or quasi-judicial bodies in addition to the requirement of indicating the current Professional Tax Receipt (PTR) and the IBP Official Receipt or Life Member Number.

*All pleadings, motions and papers filed in court, whether personally or by mail, which do not bear counsel's Roll of Attorneys Number as herein required may not be acted upon by the court, without prejudice to whatever disciplinary action the court may take against the erring counsel who shall likewise be required to comply with the requirement within five (5) days from notice. Failure to comply with such requirement shall be a ground for further disciplinary sanction and for contempt of court.*

Strict compliance herewith is hereby enjoined effective immediately. (Italics in the original.)

<sup>41</sup> *Rollo*, pp. 46-60.

<sup>42</sup> *Id.* at 26-29.

<sup>43</sup> *Id.* at 74-75.

<sup>44</sup> *Id.* at 76-79.

<sup>45</sup> *Id.* at 81-85.

<sup>46</sup> *Id.* at 164-165.

*Third*, respondent used offensive language in his pleadings in violation of Rule 11.03, Canon 11 of the CPR:

Pleading	Statement
2018 Manifestation and Motion	<p>“x x x Judge Montes has the penchant to be a small dictator exercising his judicial power largely on the basis of what he personally desires and not on the basis of what the law provides. x x x Undersigned submits that the same was far from a proper display of a judicial temperament conducive to the development of trust in the judicial system, but more of a display of power based on either pure ignorance of the law or a callous disregard of the same.”<sup>47</sup></p>
2015 Manifestation	<p>“2.1.b.-2 Why, in the first place, did he waste precious judicial time, as well as the time of those who were parties to this charade of a hearing, when he could have dismissed the case outright because the <i>Information</i> was ‘defective’?</p> <p>2.1.c. In so rendering a decision of acquittal, the presiding judge, in effect, gave premium to non-performance and to lies, in fact a case of the truth of the prosecution versus the lies of the accused, and the Holy Scriptures tell me that all lies originate from the ‘father’ thereof, Satan the Devil. x x x</p> <p>2.1.d. Some justice indeed in which the court, which is supposed to be an instrument of justice based on truth, through the presiding judge, actually became, wittingly or unwittingly, the instrument of falsehood and injustice and thus, verily, not the True God, Almighty God, but of His archenemy, the Devil!  x x x x</p> <p>2.2. The pronouncement in the decision x x x IS</p>

<sup>47</sup> Id. at 27.



		VERY DEFINITELY A BIG LIE!" <sup>48</sup>
Very Motion	Urgent	<p>"2.2.b. That Her Honor, with evident gusto and alacrity, thereafter allowed the hearing to indeed proceed even without the presence of the accused and his counsel and despite clear showing that they had not been properly notified pursuant to the mandate of the <i>Rules of Court</i>, is nauseating and revolting to one's sense of rudimentary justice and fair play, to say the least, more especially so in the light of the blatantly false accusation of the private prosecutor that the accused was then already in hiding; x x x.</p> <p>x x x x</p> <p>5.1. In the first place, since the phrase 'denied/denial of due process' is a phrase commonly used by lawyers in the pursuit of their client's cause, Her Honor has completely no reason to be onion-skinned and overly sensitive, nay allergic and paranoid, about it."<sup>49</sup></p>

*Fourth*, it appears that respondent failed to comply with the MCLE requirement since it was first imposed under B.M. No. 850 in 2001 in breach of Canon 5 of the CPR. Worse, he made it appear that he actually complied with the requirement, which manifested bad faith, dishonesty, and deceit.<sup>50</sup>

*Fifth*, respondent violated Section 11, Rule III of the Notarial Rules when he notarized documents in Calaca, Batangas considering that his notarial commission's jurisdiction only covered Lemery, Batangas.<sup>51</sup>

In conclusion, the Investigating Commissioner opined that respondent had disgraced the legal profession and failed to live up to his duties as a lawyer under the Lawyer's Oath, the CPR, and the Notarial Rules, making him unworthy to continue to be a member of the Bar.<sup>52</sup>

<sup>48</sup> Id. at 41.

<sup>49</sup> Id. at 49 and 59.

<sup>50</sup> Id. at 167-168.

<sup>51</sup> Id. at 170-171.

<sup>52</sup> Id. at 171.

On August 28, 2021, the IBP Board of Governors issued Resolution No. CBD-XXV-2021-08-34,<sup>53</sup> which provides:

*RESOLVED to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner in the instant case, and instead to recommend the imposition upon Respondent Atty. Jose F. Caoibes, Jr., the penalty of INDEFINITE SUSPENSION from the practice of law in lieu of disbarment, taking into account the Respondent's age.*<sup>54</sup> (Emphases omitted and italics in the original.)

#### *Issue*

Whether respondent should be held administratively liable for his actions.

#### *The Court's Ruling*

The Court adopts and approves the findings of the IBP, with modification as to the penalty imposed on respondent.

*Respondent misled complainant with respect to the Compromise Agreement.*

Complainant alleged that respondent misled her into paying ₱200,000.00 by promising that he will have the cases he filed against her and her mother dismissed. She contended that respondent reneged on his promise despite receipt of the full payment from complainant.<sup>55</sup>

Respondent did not deny that he received the sum of ₱200,000.00 from complainant. Notably, he expressly stated in his Letter<sup>56</sup> dated May 4, 2018, addressed to complainant's counsel, that only the civil aspect of the criminal case of *Estafa* against complainant shall be settled. However, this Letter was made after complainant already fully paid the

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<sup>53</sup> Id. at 156.

<sup>54</sup> Id.

<sup>55</sup> Id. at 159-160.

<sup>56</sup> Id. at 21-22.

amount agreed upon. More importantly, the allegations of complainant are supported by the Joint Affidavit<sup>57</sup> dated May 24, 2018 executed by Judge Montes and Atty. Myraflor L. Chavez, complainant's counsel, stating:

3. That it was Atty. Jose F. Caoibes, Jr. who requested the undersigned Judge to mediate between him and accused Vivian Rubio, and the undersigned counsel Atty. Chavez was requested to a conference at the judge's chamber. Atty. Caoibes made a proposal that he be paid the amount of Two hundred thousand pesos (Php200,000.00) and *upon full payment he will dismiss all the cases against Vivian Rubio and her mother, Luz Rubio*, including the case pending before the Prosecutor's Office; that Vivian Rubio accepted the proposal and indeed paid the said amount starting that day;
4. We also attest to the fact that the private complainant, *Atty. Caoibes, swore by his Lawyer's Oath, that he will dismiss all those cases he filed against Vivian Rubio and her mother Luz Rubio, upon full payment*;
5. The accused Vivian Rubio stay [*sic*] true to her word and paid the last installment for the entire amount of Two Hundred Thousand Pesos (Php200,000.00) last April 10, 2018;
6. That the private complainant refused to sign the affidavit of desistance prepared (by undersigned Atty. Chavez) and instead submitted a document denominated as Combined Affidavit of Admission and Desistance, wherein in that draft document Vivian Rubio, will sign the document impliedly admitting the charges, filed by Atty. Caoibes, and in the same document Atty. Caoibes, moved to dismiss the case because of repentance and apology by the accused; which was not signed by Vivian Rubio because that is not part of the agreement during the proposal for settlement;
7. That until now Atty. Jose F. Caoibes, Jr. did not moved [*sic*] for the dismissal of the case, as promised by him;

x x x x<sup>58</sup> (Italics supplied.)

Indeed, the Combined Affidavits<sup>59</sup> prepared by respondent required complainant to virtually admit her guilt of the charges against

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<sup>57</sup> Id. at 19-20.

<sup>58</sup> Id. at 19.

<sup>59</sup> See Combined Affidavits of Admissions and Desistance (Combined Affidavits), id. at 17-18.

her.<sup>60</sup> This ran counter to the very reason why complainant agreed to a settlement in the first place, which was to have the cases against her dismissed.

As such, complainant duly established that respondent had deceived her into thinking that he would have the criminal charges against her dismissed when, in fact, he was well aware that the parties cannot enter into a compromise agreement regarding the criminal aspect of the case.<sup>61</sup> Even assuming that respondent was clear that he only wished to settle the civil aspect of the case, he still failed to uphold his end of the bargain when he did not move for the dismissal thereof despite receiving the full amount due from complainant.<sup>62</sup>

For misleading complainant, respondent failed to abide by the Lawyer's Oath and Rule 1.01 of the CPR, which states that "[a] lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct."

*Respondent notarized documents  
beyond his territorial jurisdiction.*

Respondent admitted in his Answer that most of the documents he notarized were from the Municipality of Calaca, Batangas where his office is located.<sup>63</sup> He also did not deny that he notarized the Compromise Agreement.<sup>64</sup> Moreover, respondent argued that he did not exceed the territorial jurisdiction of his notarial commission according to the Certification<sup>65</sup> dated August 22, 2017 from the Executive Judge of Branch 5, RTC of Lemery, Batangas which states that he was a "NOTARY PUBLIC for and in the province of Batangas for a term beginning August 22, 2017 and ending December 31, 2018."<sup>66</sup>

<sup>60</sup> The Combined Affidavits state in part: "1.1. *Totoong lahat ang mga sinabi ni Atty. Jose F. Caoibes, Jr. tungkol sa mga pangyayaring umakay sa akin x x x x.*

1.2. *Tinatanggap kong isang malaking pagkukulang at pagkakamali sa aking panig ang hindi pagtupad sa aking pangako ng agarang pagbabalik ng perang may kagundahang-loob na ipinagkatiwala ni Atty. Caoibes sa akin, gayundin ang hindi pagbibigay-pansin o pagwawalang-bahala sa kanila x x x x.*" Id. at 17.

<sup>61</sup> The Letter dated May 4, 2018 states in part: "[I]t is also beyond cavil and is a basic principle of law that such 'payments' MERELY SETTLE THE CIVIL ASPECTS OF OUR CASES, NOT THE CRIMINAL ASPECTS THEREOF." Id. at 21. (Emphases omitted.)

<sup>62</sup> See Joint Affidavit dated May 24, 2018, id. at 19.

<sup>63</sup> Id. at 105.

<sup>64</sup> Id. at 85.

<sup>65</sup> Id. at 109.

<sup>66</sup> Id.

Pertinently, Section 11, Rule III of the Notarial Rules provides:

SECTION 11. *Jurisdiction and Term.* — A person commissioned as notary public may perform notarial acts in any place within the territorial jurisdiction of the commissioning court for a period of two (2) years commencing the first day of January of the year in which the commissioning is made, unless earlier revoked or the notary public has resigned under these Rules and the Rules of Court.

Under Section 18<sup>67</sup> of *Batas Pambansa Bilang* 129, or The Judiciary Reorganization Act of 1980, the Court shall define the territory over which a branch of the RTC shall exercise its authority. Pursuant thereto, the Court issued A.M. No. 94-9-305-RTC<sup>68</sup> dated October 11, 1994 defining the territorial jurisdiction of the RTCs in the province of Batangas. In particular, A.M. No. 94-9-305-RTC provides that the RTC of Lemery (Branch 5) has territorial jurisdiction over the Municipalities of Agoncillo, Lemery, Batangas, and San Luis. Meanwhile, the RTCs of Balayan (Branches 9 to 11) have territorial jurisdiction over the Municipalities of Balayan, Calaca, Calatagan, and Tuy.

Thus, respondent can only perform notarial acts, including the notarization of documents, within the Municipalities of Agoncillo, Lemery, and San Luis, because this is the territorial jurisdiction of the RTC of Lemery, his commissioning court. Certainly, he violated the Notarial Rules when he notarized documents in Calaca, Batangas which falls outside the jurisdiction of his notarial commission.<sup>69</sup>

<sup>67</sup> Section 18 of *Batas Pambansa Bilang* 129 provides:

SECTION 18. *Authority to Define Territory Appurtenant to Each Branch.* — The Supreme Court shall define the territory over which a branch of the Regional Trial Court shall exercise its authority. The territory thus defined shall be deemed to be the territorial area of the branch concerned for purposes of determining the venue of all suits, proceedings or actions, whether civil or criminal, as well as determining the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts over which the said branch may exercise appellate jurisdiction. The power herein granted shall be exercised with a view to making the courts readily accessible to the people of the different parts of the region and making the attendance of litigants and witnesses as inexpensive as possible.

<sup>68</sup> Re: Re-Definition of the Territorial Jurisdiction of the Regional Trial Court Branches in the Province of Batangas.

<sup>69</sup> *Rollo*, p. 171.

Respondent's act likewise constitutes as a breach of Rule 1.01, Canon 1 of the CPR:<sup>70</sup>

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

Rule 1.01 — A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Respondent's actions cannot be countenanced. After all, “[a] notarial document is by law entitled to full faith and credit upon its face.”<sup>71</sup> As such, notaries public are mandated to strictly observe the basic requirements provided in the Notarial Rules in the performance of their notarial duties.<sup>72</sup> Respondent's failure to do so placed at risk the confidence of the public in the integrity of this form of conveyance.<sup>73</sup>

*Respondent used foul language in his pleadings.*

The use of derogatory language is expressly prohibited by the CPR:

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.

Accordingly, the Court has reminded members of the Bar that while their language may be forceful and emphatic, it must always be dignified, respectful, and befitting of the legal profession.<sup>74</sup> The use of intemperate and unkind ascription is not acceptable in the judicial

<sup>70</sup> See *Almazan, Sr. v. Atty. Suerte-Felipe*, 743 Phil. 131, 136 (2014). See also *Judge Laquindanum v. Atty. Quintana*, 608 Phil. 727, 737-738 (2009).

<sup>71</sup> See *Sps. Gacuya v. Atty. Solbita*, 782 Phil. 253, 257 (2016), citing *Bernardo v. Atty. Ramos*, 433 Phil. 8, 15-16 (2002).

<sup>72</sup> *Id.*, citing *Arrieta v. Llosa*, 346 Phil. 932, 937 (1997).

<sup>73</sup> *Id.*

<sup>74</sup> *Martin v. Atty. Ala*, A.C. No. 10556 (Notice), June 30, 2021, citing *Noble III v. Atty. Ailes*, 762 Phil. 296, 301 (2015), *The Lawfirm of Chavez Miranda Aseoche v. Lazaro*, 794 Phil. 308 (2016), and *Parks v. Misa, Jr.*, A.C. No. 11639, February 5, 2020.

forum.<sup>75</sup> Specifically with respect to the courts, lawyers must abide by the following:

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

x x x x

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.

Rule 11.05 — A lawyer shall submit grievances against a Judge to the proper authorities only.

Here, respondent did not refute or defend the questionable language that he used in his pleadings.<sup>76</sup> As such, the Court concurs with the IBP that respondent indeed violated the CPR when he made intemperate statements in the pleadings that he filed before the lower courts. In particular, these are:

*A. 2015 Manifestation*

2.1.b.-2 Why, in the first place, did he waste precious judicial time, as well as the time of those who were parties to this charade of a hearing, when he could have dismissed the case outright because the *Information* was “defective”?

2.1.c. In so rendering a decision of acquittal, the presiding judge, in effect, gave premium to non-performance and to lies, in fact a case of the truth of the prosecution versus the lies of the accused, and the Holy Scriptures tell me that all lies originate from the “father” thereof, Satan the Devil. (The Gospel according to St. John, Chap. 8, verse 44.)

2.1.d. Some justice indeed in which the court, which is supposed to be an instrument of justice based on truth, through the presiding judge, actually became, wittingly or unwittingly, the instrument of falsehood and injustice and thus, verily, not of the True God, Almighty God, but of His archenemy, the Devil!

<sup>75</sup> Id.

<sup>76</sup> See *rollo*, p. 167.

x x x x

2.2. The pronouncement in the decision, for instance, that “not a scintilla of evidence was presented by the prosecution showing that the refusal or neglect by the accused to construct the subject canal was for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit in favor of an interested party, or discriminating against another” IS VERY DEFINITELY A BIG LIE! x x x

x x x x

3.1.1.- b. There being no attestation and/or authentication x x x, despite the timely objection thereto, IS PLAIN AND SIMPLE IGNORANCE OF PROCEDURE!

3.1.2. It is doubly subscribing to a lie and sheer negligence and laziness, bordering on outright incompetence, to believe that the prosecution “failed to dispute the accuracy” of Exhibit “2” in the light of my *Reply Affidavit* which the decision itself admitted x x x.

x x x x

3.1.2.- c. Candor compels undersigned to confess that the false statement in the decision that “(u)nquestionably in this case, Chairman Rivera had constructed water outlet in the area which, however, was described by Atty. Caoibes, Jr. as ‘superficial cleaning of a minuscule portion of a canal’” x x x, is nauseating (*nakakasuka*, in the vernacular) to say the least.

x x x x

6. It is saddening and depressing to think that, in coming up with his twisted and unjust decision, the presiding judge would ignore the facts on record, choose to believe in the clear lies of the accused, practically even resort to twisting the record of the case, in effect labeling me and my son liars and the prosecution incompetent to justify an acquittal!

x x x x

6.4.1.- b. Should the True God be kind and gracious enough to favor undersigned with a resurrection in His promised new order of things where he would certainly meet the late father of the presiding judge, undersigned would certainly tell him that this baseless, untrue, unfair, twisted and unjust decision based on lies and blatant falsehoods is his son’s (who aspired to his position, *albeit* in a more



successful way) “parting gift” to the undersigned in this life.<sup>77</sup>  
(Emphases omitted.)

*B. Motion for Immediate Inhibition in Criminal Case No. 6603 pending before the RTC of Balayan, Branch 10 (Motion for Immediate Inhibition)*

Reacting to the aforesaid developments, Judge Areta, in bewildering display of what amounts to total submission to the whims and caprices of the private prosecution, and total abandon of the starkly clear provisions of the Rules x x x, in her September 23, 2013 *Order*, again affixed her *imprimatur* to the prosecution’s dilatory moves by decreeing “the proceeding in this case suspended until the said appeal is resolved”, meaning AGAIN INDEFINITELY!

x x x x

Moreover, although undersigned, and more surely his then counsel, were loathed to impute laziness against Judge Areta, it was surely no easy and inexpensive tasks [*sic*] for undersigned to himself go through the already voluminous files in this case, and to sort out their intended documentary exhibits, have them photocopied and marked, pursuant to the instructions of Judge Areta, instead of her going through the records herself as such documentary exhibits were mentioned and enumerated and marked by undersigned’s counsel to her one by one. x x x

x x x x

x x x IN THE SAID HEARING, JUDGE ARETA VIRTUALLY LAWYERED FOR THE PROSECUTION! It is hard enough to face the State, represented by the public prosecution, with all the governmental resources behind it; IT IS DOUBLY DIFFICULT WHEN THE JUDGE HERSELF, AS IN THIS CASE, IS ON THE SIDE OF THE PROSECUTION!<sup>78</sup> (Emphases omitted and underscoring in the original.)

*C. 2018 Manifestation and Motion*

It is not amiss to state at this juncture that Judge Montes is not averse to resorting to this kind of an anomalous unprocedural [*sic*] irregularity in other criminal cases pending before his court.

x x x x

<sup>77</sup> *Rollo*, pp. 41-45.

<sup>78</sup> *Id.* at 66-70.

*Doc*

It is undersigned's honest observation that in the conduct of his courtroom, Judge Montes has the penchant to be a small dictator exercising his judicial power largely on the basis of what he personally desires and not on the basis of what the law provides. x x x Undersigned submits that the same was far from a proper display of a judicial temperament conducive to the development of trust in the judicial system, but more of a display of power based either on pure ignorance of the law or a callous disregard of the same.

x x x x

The foregoing actuation and clear quibbling of Judge Montes unmistakably display his already unreasonably insane and hostile attitude towards the undersigned, hence, there is a very imminent possibility that undersigned will not be treated fairly and justly by said judge.<sup>79</sup>

As a member of the Bar, respondent certainly has not only the right but also the *obligation* to criticize the actions of courts and judges using respectful and dignified language through legitimate channels.<sup>80</sup> However, respondent did not simply criticize the judges in his pleadings in the case—he insulted them.

In the 2015 Manifestation, respondent implied that Judge Silang was working for the devil. He even threatened to speak ill of Judge Silang before the latter's late father should they meet in heaven. Then, in the Motion for Immediate Inhibition, respondent accused Judge Areta of incompetence, laziness, and partiality in favor of the prosecution. Finally, in the 2018 Manifestation and Motion, he claimed that Judge Montes behaved like a dictator and was engaged in unscrupulous practices.

Evidently, the unsubstantiated allegations that respondent included in the pleadings mentioned above are patently disrespectful and unacceptable in the judicial forum. Assuming *arguendo* that there was basis for respondent's complaints, he should have submitted such evidence before the proper authority. Respondent clearly violated the

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<sup>79</sup> Id. at 26-28.

<sup>80</sup> See *Judge Ramos v. Atty. Lazo*, A.C. No. 10204, September 14, 2020, citing *Judge Lacurom v. Atty. Jacoba and Atty. Velasco*, 519 Phil. 195, 209 (2006).

CPR with the baseless and undignified statements that he made in his pleadings.<sup>81</sup>

*Respondent did not comply with the MCLE requirement.*

B.M. No. 850, issued on October 2, 2001, requires all members of the Bar, who are not otherwise exempt, to complete every three years at least 36 hours of continuing legal education activities approved by the MCLE Office.<sup>82</sup>

Then, in the Resolution dated February 17, 2015, the Court further mandated all lawyers “to file a written entry of appearance indicating their MCLE exemption or compliance number for the current or immediately preceding compliance period and date of issuance thereof before appearing as counsel or engaging in oral argument in open court or before a quasi-judicial body.” Thus, a lawyer appearing in court must show compliance with the MCLE requirement in accordance with Canon 5 of the CPR which provides:

CANON 5 — A lawyer shall keep abreast of legal developments, participate in continuing legal education programs, support efforts to achieve high standards in law schools as well as in the practical training of law students and assist in disseminating information regarding the law and jurisprudence.

In the case, the Certification<sup>83</sup> from the MCLE Office shows that respondent *never* complied with the requirement for MCLE at all. Respondent has no record of either compliance or exemption from the first compliance period for April 15, 2001 to April 14, 2004 until the fifth compliance period for April 15, 2013 to April 14, 2016. And yet, he admittedly appeared before the courts as counsel prior to June 21, 2018. Without a doubt, respondent acted in clear violation of B.M. No. 850 and Canon 5.

Worse, respondent *misrepresented* that he was either in the process of complying with the MCLE requirement or has complied with it. As

<sup>81</sup> *Rollo*, p. 167.

<sup>82</sup> Section 2, Rule 2, B.M. No. 850 dated October 2, 2001.

<sup>83</sup> *Rollo*, p. 73.

the Investigating Commissioner duly observed, respondent stated that: (a) his MCLE compliance was presently being updated in his 2018 Manifestation and Motion, Motion to Apply, and “Very Imphatic” Manifestation; and (b) he complied with the MCLE requirement for the 3<sup>rd</sup> and 4<sup>th</sup> compliance periods in the 13<sup>th</sup> IBP National Convention held in Subic Bay Freeport Zone, Olongapo City, on April 7 to 9, 2011 in his Very Urgent Motion.<sup>84</sup> Indeed, respondent’s misleading statements, too, are tantamount to a violation of Canons 1, 7,<sup>85</sup> and 10 of the CPR.

*Respondent used different roll numbers in his pleadings.*

B.M. No. 1132 requires lawyers to indicate their roll numbers in all papers or pleadings that they submit to the various judicial or quasi-judicial bodies. This is to preserve and protect the integrity of legal practice. Indicating one’s roll number would enable parties to easily verify if a person claiming to be a lawyer is indeed a member of the Bar.<sup>86</sup> As such, the importance of this requirement cannot be undermined.

In the case, it is undisputed that respondent used *different* roll numbers in his practice of law in violation of B.M. No. 1132. According to the Certification from the MCLE Office, respondent’s roll number is **30889**.<sup>87</sup> However, he used roll number **31889** in his 2018 Manifestation and Motion, Motion to Apply, and “Very Imphatic” Manifestation<sup>88</sup> and roll number **38889** in the Compromise Agreement that he notarized.<sup>89</sup> The only pleading in the records of the case that states respondent’s correct roll number is his Very Urgent Motion.<sup>90</sup> Notably, respondent did not offer any explanation for the discrepancies.<sup>91</sup>

Considering the lack of an explanation from respondent as well as the frequency of his erroneous statements, the Court cannot just overlook his failure to indicate his correct roll number in the pleadings mentioned

<sup>84</sup> Id. at 167-170.

<sup>85</sup> Canon 7 of the Code of Professional Responsibility provides:

CANON 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the Integrated Bar.

<sup>86</sup> *Intestate Estate of Jose Uy v. Atty. Maghari*, 768 Phil. 10, 24-25 (2015).

<sup>87</sup> *Rollo*, p. 73.

<sup>88</sup> Id. at 29, 75, and 78.

<sup>89</sup> Id. at 85.

<sup>90</sup> Id. at 60.

<sup>91</sup> Id. at 165.

above and consider it as a mere oversight.<sup>92</sup> Respondent's act of misleading the courts and the public in this regard is inconsistent with the Lawyer's Oath as well as Canon 10 and Rule 10.1 of the CPR, which state:

CANON 10 — A lawyer owes candor, fairness and good faith to the court.

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

*Respondent did not comply with the order of the IBP.*

Respondent did not file his position paper as required by the IBP in its Order<sup>93</sup> dated February 4, 2021. The lawful order of the IBP is not a mere request that respondent should have disregarded. His failure to file his position paper is inconsistent with his duties under Canons 1, 7, and 11 of the CPR.<sup>94</sup>

### *The Proper Penalty*

Disbarment is the most severe penalty that the Court can impose upon erring lawyers. As such, it is reserved for “clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court and member of the [B]ar.”<sup>95</sup> In deciding whether the penalty of disbarment must be imposed, the Court may consider the following questions:

1. “Do the transgressions of the erring lawyer justify his or her disbarment?”<sup>96</sup>

<sup>92</sup> Id. at 165.

<sup>93</sup> Id. at 145.

<sup>94</sup> See *Quitazol v. Atty. Capela*, A.C. No. 12072 (Resolution), December 9, 2020, citing *Cabauatan v. Atty. Venida*, 721 Phil. 733, 738-739 (2013).

<sup>95</sup> *De Chavez-Blanco v. Atty. Lumasag, Jr.*, 603 Phil. 59, 67 (2009).

<sup>96</sup> *Genato v. Atty. Mallari*, A.C. No. 12486, October 15, 2019.

2. “What circumstances in the erring lawyer’s life can we draw upon to avoid disbarment as an outcome?”<sup>97</sup>
3. “Would the legal profession be better off without this erring lawyer in the Roll of Attorneys, and would others be deterred from following the erring lawyer’s type of practice?”<sup>98</sup>

The Court may also consider the previous disciplinary record of the lawyer in determining the appropriate penalty.<sup>99</sup> In other words, the proper penalty to be imposed against an erring lawyer is ultimately subject to the exercise of sound judicial discretion of the Court based on the surrounding facts.<sup>100</sup>

It is noteworthy that respondent was previously penalized for his transgressions during his time as a judge.

*First*, in *Judge Alumbres v. Judge Caoibes, Jr.*,<sup>101</sup> the Court imposed the penalty of a fine of ₱20,000.00 upon respondent for inflicting fistic blows upon his fellow judge.<sup>102</sup>

*Second*, in *Spouses Monterola v. Judge Caoibes, Jr.*,<sup>103</sup> the Court penalized respondent with a fine of ₱30,000.00 for his gross ignorance of procedural law and the unreasonable delay in the issuance of an order for execution.<sup>104</sup>

*Third*, the Court fined respondent in the amount of ₱40,000.00 in *Unitrust Development Bank v. Judge Caoibes, Jr.*,<sup>105</sup> because of his undue delay in resolving a motion to dismiss.<sup>106</sup>

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<sup>97</sup> Id.

<sup>98</sup> Id.

<sup>99</sup> See *Sismaet v. Atty. Cruzabra*, A.C. No. 5001, September 7, 2020. See also *Philippine Investment One, Inc. v. Atty. Lomeda*, 859 Phil. 41 (2019), and *San Jose Homeowners Association Inc. v. Atty. Romanillos*, 499 Phil. 99, 107-108 (2005).

<sup>100</sup> *Sps. Concepcion v. Atty. Dela Rosa*, 752 Phil. 485, 496 (2015).

<sup>101</sup> 425 Phil. 55 (2002).

<sup>102</sup> Id. at 64-65.

<sup>103</sup> 429 Phil. 59 (2002).

<sup>104</sup> Id. at 69.

<sup>105</sup> 456 Phil. 676 (2003).

<sup>106</sup> Id. at 682-686.

Lastly, in *Sison v. Judge Caoibes, Jr.*,<sup>107</sup> the Court dismissed respondent from service due to serious impropriety unbecoming a judge in violation of Canon 2 of the Code of Judicial Conduct. In that case, respondent issued an Order citing the complainant therein in contempt of court and ordering his arrest and commitment due to the latter's failure to appear despite being required by the court. Notably, the complainant was required to appear in court after he issued a traffic violation receipt to respondent's son who was running an errand for his father.<sup>108</sup>

Here, the infractions committed by respondent show his failure to comply with the exacting standards expected from members of the Bar. He engaged in various forms of deception. He disrespected judges of the court, notwithstanding the fact that he was formerly a judge himself. Respondent also manifested a clear disregard for the rules governing members of the Bar.

All told, respondent has not proven himself worthy of the privilege bestowed upon him to practice law. Though the Court may temper penalties for infractions committed by members of the bar in view of their advanced age,<sup>109</sup> the Court finds that the gravity of the infractions committed by respondent in the present case and in previous cases warrant the penalty of disbarment.

**WHEREFORE**, the Court finds respondent Atty. Jose F. Caoibes, Jr. **GUILTY** of violation of the Lawyer's Oath, the Code of Professional Responsibility, the 2004 Rules on Notarial Practice, and Bar Matter No. 850. Accordingly, the Court hereby imposes upon him the penalty of **DISBARMENT** from practice of law and his name is **ORDERED STRICKEN** from the Roll of Attorneys, effective immediately.

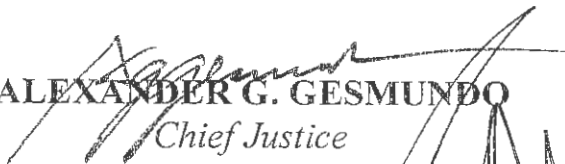
Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to respondent's personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.


<sup>107</sup> 473 Phil. 251 (2004).

<sup>108</sup> Id. at 262-265.

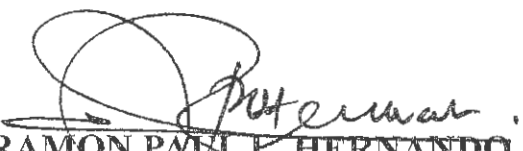
<sup>109</sup> See *Angeles v. Atty. Lina-ac*, A.C. No. 12063, January 8, 2019.

**SO ORDERED.**

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*

  
**MARVIC M.V.F. LEONEN**  
*Associate Justice*

  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*


  
**RAMON PAUL E. HERNANDO**  
*Associate Justice*

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

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**MARIO N. LOPEZ**  
*Associate Justice*


  
**SAMUEL H. GAERLAN**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*

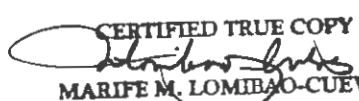
  
**JHOSEP Y. LOPEZ**  
*Associate Justice*

(On official leave)  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

(On official business)  
**JOSE MIDAS P. MARQUEZ**  
*Associate Justice*

  
**ANTONIO T. KHO, JR.**  
*Associate Justice*

  
**MARIA FILOMENA D. SINGH**  
*Associate Justice*

  
**CERTIFIED TRUE COPY**  
**MARIFE M. LOMIBAO-CUEVAS**  
*Clerk of Court*  
**Supreme Court**