



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

EN BANC

ELENA S. FELIX and GEM A. CABREROS, **A.C. No. 13253**

Complainants, Present:

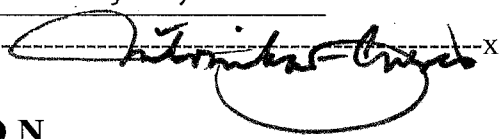
- versus -

ATTY. LORENZO G. GADON,
Respondent.

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

Promulgated:

February 27, 2024

X----------X

DECISION

PER CURIAM:

This is an Administrative Complaint for Disbarment¹ (**Administrative Complaint**) filed by the Complainants Elena S. Felix (**Felix**) and Gem A. Cabreros (**Cabreros**), pursuant to Section 1, Rule 139 of the Rules of Court,

* No Part.
¹ Rollo, pp. 3-34.

against Atty. Lorenzo G. Gadon (**Atty. Gadon**) for his statements made on air on June 24, 2021 and June 27, 2021.

The Facts

On June 24, 2021, news of the death of former President Benigno Simeon “Noynoy” Aquino III (**President Aquino**) broke out. Understandably, media outlets started to relay this information to the public as soon as possible. On the same day, Atty. Gadon appeared as a guest host in DWIZ’s radio-television show *Karambola*. During his appearance, Atty. Trixie Cruz-Angeles, a host of *Karambola*, announced on air the death of the former President. The relevant portions of the episode are transcribed below:

Cruz-Angeles: Okay, may, ano ha, breaking tayo, dalawa. Sa Daily Tribune has reported[,] developing story, various sources have claimed that former Benigno... former President Benigno Simeon Aquino died this morning at Capitol Medical... Hintayin po natin yung ano ha, yung mga updates on this one.

[...]

Atty. Gadon: I received an information from some members of the media that *eto daw na putang ina...*

Cruz-Angeles: Ay, hindi, hindi, hindi.

Atty. Gadon: Ah okay. *Patay na raw ang putang ina.*

Cruz-Angeles: Yung confirmed pa lang is that he was rushed to the hospital.

Atty. Gadon: *Ay sana namatay na yung putang inang yun.*

Cruz-Angeles: Ay, hindi. Nag[-]ano kami. We already said, uh, he was rushed to the... the former President Ninoy Aquino² was rushed to the hospital. So, we are praying that he will be able to recover.

[...]

Atty. Gadon: *Ay, patay na nga. Yehey! Hahaha*

[...]

Cruz-Angeles: Kumabaga, ano tayo.

Atty. Gadon: Huwag na.

Cruz-Angeles: Kaunti lang[...] Moment of silence. Respeto lang. Because you want a former president...

² Referring to former President Benigno Simeon “Noynoy” Aquino III.

- Atty. Gadon: *Respeto mo pa yang hayop na iyan.*
- Cruz-Angeles: Uy, ugh, uy.
- Atty. Gadon: *Tuwang tuwa ako. Yung mga dilawan, i-he-hero na naman etong... Mga bobong dilawan.*
- Cruz-Angeles: Uh. Ano lang, kaunting, one minute of silence.
- Atty. Gadon: *Ay hindi, ako, iba ako eh. Rest in hell.*
- Cruz-Angeles: Ayan, [...] eto na meron na akong cause of death, stage 4 lung cancer.
- [...]
- Atty. Gadon: *Oo, at tsaka pero, may HIV siya. Kaya ayun di gumaling.*
- Cruz-Angeles: Ha... Confirmed yun?
- Atty. Gadon: *Oo. According to my friend na kilalang kilala yung mga Aquino.* ³ (Emphasis supplied)

The statements made by Atty. Gadon on air caused so much public outrage that the DWIZ management posted a public apology on the DWIZ Twitter page, which reads:

The Management of DWIZ would like to apologize to everyone and in particular, to the Aquino Family about the inappropriate statements made by our guest host in the show *Karambola* about the sudden death of our former President Benigno Simeon Aquino III.

The Management has taken action about this uncalled for (sic) comments and will not tolerate this kind of incident. We sincerely would like to extend our condolences to the bereaved family and the whole nation.⁴

On June 27, 2021, Atty. Gadon once again went on the air and appeared as a guest in DZRD's radio program *Ang Maestro*, where he was given an opportunity to explain the controversial comments he made on the June 24, 2021 episode of *Karambola*. Showing no remorse, Atty. Gadon explained to the show's hosts, Herman "Ka Mentong" Tiu Laurel (**Laurel**) and Anna Malindog-Uy (**Malindog-Uy**), in this wise:

³ *Rollo*, pp. 8-10, Full Transcript of the June 24, 2021 DWIZ *Karambola* episode.

⁴ *Id.* at 94-95, Screenshot of the Apology issued by DWIZ.

Laurel:

With Atty. Larry Gadon[...] swerte po tayo at maganda ang signal at this moment[,] we can never tell with Antipolo, kasi last week, we also had an interview sa Antipolo. Ang sama ng signal. Pero napakaganda ng dating mo ngayon, so baka lang tayo ma-interrupt ng bad signal, dederetso na po ko. Ka Larry, ano ba nangyari doon sa iyong programa doon sa DWIZ?

Atty. Gadon:

[Oh], okay. Uh, noong papunta doon ng station, nakatanggap ako ng ano, ng call from a friend that, uh, Noynoy Aquino passed away. And so I went up to the studio, binalita ko ‘yon, ‘no. E ‘yon pala, ay nai-broadcast na rin nung aking mga kasamahan, sina Attorney Trixie Angeles, sina Conrad [Banal], saka sina Cong. Jomar[.] So[,] napag-usapan namin, and *then[,] ako naman nagkaroon ako ng speculation na sinasabi ko na he probably died of HIV – with HIV. Kasi kami tong ganito, Nakita mo naman hitsura niya e, [buto’t balat.] And yung pinagkakalat nila na namatay daw through [–] because of diabetes, ay mahirap paniwalaan. If you have lots and lots of money, and you have the best medical attention, the best medical technology, and the best medicines, no one dies of diabetes if you have that lots of money and medical attention. So probably, he could have died of something else na hindi kayang gamutin, and alam mo naman, ‘pag mahirap gamutin ay meron nang resistance ‘yong immune system mo and that’s HIV. Well there’s nothing wrong with that. And yung sinabi nila na pwede daw akong idemanda ng ano, e alam mo ‘yung nagsasabi non, they’re just getting attention kasi kapag ako kasi ginamit nila sa mga blogs nila, hundreds, thousands yung views e basta ako ‘yung ginamit. You know, so, they are now making a heyday by using my name and my issues – issues on me para makaroon sila ng views because these people are doing it for money. ‘Yung mga bloggers na ito, ano. [P]ero nakakatuwa din, kasi marami ring bloggers na, who are on my side, and if you will read the social media comments or socmed comments, e talagang ano ‘yan, pinagtatanggol nila ako...*

[...]

Malindog-Uy:

Ang question ko lang po is nung nabasa ko actually may sarili akong opinion actually na shinare ko nga doon sa Viber group namin. Ang ask ko lang po, ‘yung nabasa mo sa Philstar, sabi nila, ano yon yung pang grupo ng mga HIV, for HIV patient something.

[...]



Atty. Gadon: First of all, ako ay, I sympathize with HIV patients, [ano]. Marami rin akong kaibigang may, nakita ko how they suffer from HIV. *And unang-una, if they really want to sue me, they have to resurrect Noynoy from his ashes, kasi siya lang naman pwede magdemanda non e.* Secondly, ‘yang – yung sinasabi nila na magtatawag sila at sila mag-[file], *e akala ko ba nagtatago sila, ayaw nila malaman na may HIV sila, e di they will come out in the open and they will admit that they have HIV para magdemanda sa akin.* And alam mo, I will not even file an answer because unang-una, hindi naman sila ‘yung party in interest e. Were they – have they ano, uh, been damaged by my statement, e si Noynoy naman ‘yon. E gusto niyo buhayin niyo si Noynoy para magdemanda sa akin...⁵ (Emphasis supplied)

On December 4, 2021, Felix and Cabrerros filed the present administrative complaint against Atty. Gadon. Both of them are Persons Living with Human Immunodeficiency Virus (**PLHIV**) and are active advocates of the rights of PLHIVs. They alleged that the statements made by Atty. Gadon was not only an attempt to tarnish former President Aquino’s reputation, but more importantly, they were discriminatory and only exacerbated the already-rampant social stigma and discrimination against PLHIVs. Further, they claimed that the statements made by Atty. Gadon on air sowed fear and misinformation among and about PLHIVs.⁶

They alleged that his statements taken together show that Atty. Gadon abused his right to freely express his opinions, in violation of Canons 1 and 7 of the Code of Professional Responsibility.

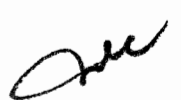
On August 2, 2022, Atty. Gadon filed his Comment.⁷ In his Comment, Atty. Gadon did not deny making the subject utterances. Atty. Gadon explains that the statements he made were not directed at Felix and Cabrerros but at former President Aquino. As they are not the subject of the offensive statements, Atty. Gadon argues that the complainants do not have a cause of action and are not the real parties-in-interest in this case.

Atty. Gadon further explained that the statements he made were just expressions of his personal opinion, which are protected under the 1987 Constitution. Atty. Gadon argues that as President Aquino is a public figure, he is subject to public scrutiny. Absent actual malice, Atty. Gadon claims that the Complaint cannot be entertained. As a final defense, Atty. Gadon claims

⁵ *Id.* at 96-97, Full Transcript of the June 27, 2021 *Ang Maestro* episode.

⁶ *Id.* at 5-33, Complaint.

⁷ *Id.* at 113-120, Comment dated July 28, 2022.



that the statement were made in his private dealings, not in his professional dealings as a lawyer.⁸

The Issue

Should Atty. Gadon be disbarred?

The Ruling of the Court

The Court finds that Atty. Gadon has shown himself to be unfit to continue as an officer of the court and a part of the legal profession.

The Code of Professional Responsibility and Accountability

At the outset, the Court notes that the Code of Professional Responsibility was revised to address the needs of the ever-changing landscape of the legal profession. On April 11, 2023, the Court unanimously approved the Code of Professional Responsibility and Accountability⁹ (CPRA), which now serves as the standard for ethical conduct for all members of the legal profession. While the subject statements and the filing of this administrative case both preceded the CPRA, the same remains applicable due to the provision expressly providing for retroactive application:

GENERAL PROVISIONS

SECTION 1. Transitory provision. — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

Canon II of the CPRA, otherwise known as the Canon on Propriety, finds applicability in this case. The relevant portions of the Canon provide:

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

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

⁸ *Id.*
⁹ A.M. No. 22-09-01-SC, April 11, 2023.



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.

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.

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. (Emphasis supplied)

A cursory reading of these provisions indubitably shows that Atty. Gadon transgressed them and is thus unfit to continue as a member of the Bar.

The Statements of Atty. Gadon

There is no question that Atty. Gadon made the subject statements on air. In fact, in his Comment, he admitted that he made these statements, but qualifies that the statements were made without malice and that they were made as part of his protected speech under the 1987 Constitution, with former President Aquino being a public figure, and therefore subject to public scrutiny.

The arguments are without merit.

Atty. Gadon's statements were not meant to "scrutinize" any act of former President Aquino. Instead, they were outright and direct insults that were made to defame former President Aquino. To wish ill upon someone is not criticism, but an attack on the person to whom these words were directed. The words uttered by Atty. Gadon were not even related to former President Aquino's official functions. The words "*putang ina yun*," "*hayop na iyan*," "*[r]est in hell*," among others, were utterances that were highly undignified,



abusive, and scandalous uttered without any legitimate purpose. In truth, Atty. Gadon himself was hard-pressed to justify his use of profanity.

Worse, Atty. Gadon used a culturally sensitive topic to double down on his expletives against former President Aquino: he claimed that former President Aquino had Human Immunodeficiency Virus (**HIV**). Consistent with all his utterances on air on June 24, 2021 and June 27, 2021, this statement had no basis and no value. It must be noted that in the June 24, 2021 episode of *Karambola*, Atty. Gadon claimed that former President Aquino had HIV, as allegedly confirmed by his friend who knew the Aquino Family.¹⁰ On the June 27, 2021 episode of the *Ang Maestro*, Atty. Gadon changed his narrative and categorically admitted on air that he merely speculated that President Aquino had HIV, basing his speculation on the former President's physical appearance before his death "*buto't balat*", and the assumption that former President Aquino had access to the best medical facilities but still succumbed to his illness, and that only HIV could be the reason for this, because it is incurable.¹¹ Atty. Gadon's statements are not only false, misleading, and foisted misinformation, they were also offensive and tainted with malice. This is clear from the vehemence and vitriol with which he repeatedly cursed the former President Aquino and even rejoiced over his death. That Atty. Gadon failed to act with propriety is undeniable.

The Court has not failed to remind lawyers that they are officers of the Court, and therefore should not act nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession.¹² In both words and actions, lawyers must act with dignity and honor, as the standard of conduct for those in the legal profession is higher than that of ordinary persons. In *Spouses Nuezca v. Atty. Villagarcia*¹³ illumines:

Though a lawyer's language may be forceful and emphatic, *it should always be dignified and respectful, befitting the dignity of the legal profession*. The use of intemperate language and unkind ascriptions has no place in the dignity of judicial forum. Language abounds with countless possibilities for one to be emphatic but respectful, convincing but not derogatory, and illuminating but not offensive. *In this regard, all lawyers should take heed that they are licensed officers of the courts who are mandated to maintain the dignity of the legal profession, hence, they must conduct themselves honorably and fairly*. Thus, respondent ought to temper his words in the performance of his duties as a lawyer and an officer of the court.¹⁴ (Emphasis supplied; citations omitted)

¹⁰ *Rollo*, p. 70, Full Transcript of the June 24, 2021 DWIZ *Karambola* episode.

¹¹ *Id.* at 96, Full Transcript of the June 27, 2021 *Ang Maestro* episode.

¹² *Sec. Buenaventura v. Atty. Gille*, 892 Phil. 1, 6 (2020) [Per Curiam, *En Banc*].

¹³ 792 Phil. 535 (2016) [Per J. Perlas-Bernabe, First Division].

¹⁴ *Id.* at 540.

The Court notes that this is not the first time that Atty. Gadon had been the subject of an administrative complaint. In fact, Atty. Gadon had already been suspended a couple of times prior to the resolution of this case.

First, in *Mendoza v. Atty. Gadon*,¹⁵ where the Court found that Atty. Gadon breached his oath as a lawyer and violated the Code of Professional Responsibility, Atty. Gadon was imposed the penalty of suspension for three months. In the said case, Atty. Gadon was punished for using abusive and intemperate language against a fellow lawyer, whom he ridiculed as one who demonstrated shortsighted analytical thinking and for being less intelligent. Atty. Gadon was warned that a repetition of such act, or a similar act in the future would warrant a more severe penalty.¹⁶

Second, in *In Re: Atty. Lorenzo G. Gadon's Viral Video Against Ms. Raissa Robles*,¹⁷ where the Court *En Banc* ultimately disbarred Atty. Gadon, an order to preventively suspend him was also issued because of the viral video featuring Atty. Gadon in a vehicle hurling profane expletives and curses against journalist Raissa Robles.

Interestingly, both suspensions stemmed from Atty. Gadon's abusive and scandalous utterances, completely unbecoming of a lawyer.

Aside from these, the following cases are likewise pending against Atty. Gadon:

1. Admin. Case No. 11276, filed on April 08, 2016 by Sharief Agakan for misconduct;
2. Admin. Case No. 11275 filed on April 08, 2016 by Atty. Algamar Latiph for violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility an Lawyer's Oath;
3. Admin. Case No. 11277 filed on April 08, 2016 by Atty. Mamarico Sansarona, Jr. for misconduct;
4. Admin. Case No. 12427 filed on December 17, 2018 by Ambulatory Healthcare Institute and Hernando Delizo (formerly CBD Case No. 15-4649, where the IBP Board of Governors recommended [Atty. Gadon's] suspension for two years, and for him to return the amount of PHP 700,000.00 to the Complainant; and

¹⁵ A.C. No. 11810 (Resolution), August 19, 2019.

¹⁶ *Id.*

¹⁷ A.C. No. 13521, June 27, 2023. [Per Curiam, *En Banc*].



5. Admin Case No. 12464 filed on January 31, 2019 by Hernando Delizo (formerly CBD Case No. 15-4695, where the IBP Board of Governors recommended [Atty. Gadon's] suspension for six months to one year).¹⁸

There are also pending cases against him before the IBP:

1. *Atty. Wilfredo Garrido Jr. v. Atty. Lorenzo Gadon*, filed on May 15, 2018 (for submission of report and recommendation by the Investigating Commissioner);
2. CBD Case No. 18-5750, *Zena Bernardo, et al. v. Atty. Lorenzo Gadon*, filed on April 20, 2018 (for submission of report and recommendation by the Investigating Commissioner);
3. CBD Case No. 18-5751, *Jover Laurio, et al. v. Atty. Lorenzo Gadon*, filed on April 24, 2018 (for submission by the parties of their respective verified position papers); and
4. CBD Case No. 19-5977 (Adm Case No. 11275), *Algamar Latiph et al., v. Atty. Lorenzo Gadon*, consolidated with CBD Case No. 19-5978 (Adm Case No. 11276) *BNMPD Rep by Agakhan Sharief v. Atty. Lorenzo Gadon*, received from the Supreme Court on May 30, 2019 (for mandatory conference).¹⁹

The foregoing indubitably shows Atty. Gadon's disregard of the Court's order to not commit similar acts. Atty. Gadon's disbarment is thus only proper.

The lack of legal interest is not a defense in disbarment proceedings

Atty. Gadon's defense primarily rests on the fact that Felix and Cabrerros are not the real party-in-interest. As the expletives and profanities were directed at former President Aquino and not Felix and Cabrerros, Atty. Gadon argues that Felix and Cabrerros have no cause of action against him.

Atty. Gadon's argument is misplaced.

It is well settled that disbarment proceedings are *sui generis* in nature. Their very nature sets them apart from ordinary criminal and civil actions. Hence, the rules on civil actions do not necessarily apply to disbarment cases.

¹⁸ *Id.* at 21-22. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

¹⁹ *Id.*

The case of *Gonzalez v. Atty. Alcaraz (Gonzalez)*²⁰ is enlightening on this matter:

Well-established is the rule that administrative cases against lawyers belong to a class of their own. These cases are distinct from and proceed independently of civil and criminal cases. *In Re Almacen*, the Court discoursed on this point thus:

“x x x [D]isciplinary proceedings [against lawyers] are sui generis. Neither purely civil nor purely criminal, x x x [they do] not involve x x x a trial of an action or a suit, but [are] rather investigation[s] by the Court into the conduct of its officers. Not being intended to inflict punishment, [they are] in no sense a criminal prosecution. *Accordingly, 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.* Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have prove[n] themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. x x x.”²¹ (Emphasis supplied; citations omitted)

As a unique action designed to keep lawyers accountable to the Court and to the public, the lack of a real party-in-interest will not hamper the Court’s exercise of its disciplinary power to mete out the necessary penalty to erring lawyers. In *Mejares v. Atty. Romana*,²² the Court said in no uncertain terms:

The IBP Investigating Commissioner correctly dismissed, for lack of merit, respondent’s claim that complainant is not a real party-in-interest in this case. Complainant, being a member of the Union that retained respondent as its counsel, possesses the requisite interest to file this complaint as she is directly prejudiced by respondent’s misconduct. *At any rate, the procedural requirement observed in ordinary civil proceedings that only the real party-in-interest must initiate the suit does not apply in disbarment cases*, thus:

The argument x x x that [a] complainant [in disbarment proceedings] has no legal personality to sue is unavailing. Section 1, Rule 139-B of the Rules of Court provides that proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio* or by the Integrated Bar of the Philippines

²⁰ 534 Phil. 471 (2006) [Per C.J. Panganiban, First Division].

²¹ *Id.* at 481-482.

²² 469 Phil. 619 (2004) [Per J. Carpio, First Division].



upon the verified complaint of any person. The right to institute a disbarment proceeding is not confined to clients nor is it necessary that the person complaining suffered injury from the alleged wrongdoing. *Disbarment proceedings are matters of public interest and the only basis for judgment is the proof or failure of proof of the charges.* The evidence submitted by complainant before the Commission on the Bar Discipline sufficed to sustain its resolution and recommended sanctions.²³ (Emphasis supplied)

Atty. Gadon's defense that the parties are not the real parties-in-interest only reveals that his misappreciation of the concept of disbarment as a disciplinary mechanism. As established, there is no reason to even entertain the defense of Atty. Gadon that Felix and Cabreros have no legal interest in the disbarment proceedings as it is not a requirement to initiate administrative complaints.

Atty. Gadon may be administratively punished for his conduct in private dealings

Neither is his final defense going to offer Atty. Gadon any help in his attempt to evade liability by claiming that he cannot be punished by the Court for his private dealings. In his Comment, he argues that the prohibition on abusive, offensive, or improper language is limited only to a lawyer's professional dealings.²⁴ As the subject statements were made in his private capacity, there is supposedly no basis for the Court to punish him.

Atty. Gadon's argument is again meritless.

It is a fundamental principle that the higher standard of conduct expected of lawyers, where they are expected to avoid scandalous behavior, applies in both their public and private life. The Court has consistently reminded lawyers that they cannot segregate their public life from their private affairs. In *Valin v. Atty. Ruiz*,²⁵ the Court held:

A lawyer may be disciplined for acts committed even in his private capacity for acts which tend to bring reproach on the legal profession or to injure it in the favorable opinion of the public. *There is no distinction as to whether the transgression is committed in a lawyer's private life or in his professional capacity, for a lawyer may not divide his personality as an attorney at one time and a mere citizen at another.*²⁶ (Emphasis supplied)

²³ *Id.* at 632.

²⁴ *Rollo*, p. 116-118, Comment dated July 28, 2022.

²⁵ 820 Phil. 390 (2017) [Per J. Gesmundo, *En Banc*].

²⁶ *Id.* at 405.

In *Belo-Henares v. Atty. Guevarra*,²⁷ the Court emphasized that misconduct in private affairs does not excuse a lawyer from administrative liability, and does not render him immune from disbarment proceedings:

*Lawyers may be disciplined even for any conduct committed in their private capacity, as long as their misconduct reflects their want of probity or good demeanor, a good character being an essential qualification for the admission to the practice of law and for continuance of such privilege. When the Code of Professional Responsibility or the Rules of Court speaks of conduct or misconduct, the reference is not confined to one's behavior exhibited in connection with the performance of lawyers' professional duties, but also covers any misconduct, which — albeit unrelated to the actual practice of their profession — would show them to be unfit for the office and unworthy of the privileges which their license and the law invest in them.*²⁸ (Emphasis supplied)

In *Gonzalez*, the Court had this to say of a lawyer's conduct in his private dealings:

Untenable is respondent's argument that the acts complained of cannot be the subject of a complaint for disbarment, because they were done in his private capacity.

Whether in their professional or in their private capacity, lawyers may be disbarred or suspended for misconduct. This penalty is a consequence of acts showing their unworthiness as officers of the courts; as well as their lack of moral character, honesty, probity, and good demeanor. When the misconduct committed outside of their professional dealings is so gross as to show them to be morally unfit for the office and the privileges conferred upon them by their license and the law, they may be suspended or disbarred.²⁹

Atty. Gadon's defense that he cannot be prosecuted for his private dealings only further demonstrates how he fails to fully grasp his responsibilities as a lawyer. In the first place, in both the June 24, 2021 episode of *Karambola* and the June 27, 2021 episode of *Ang Maestro*, Atty. Gadon was introduced as a lawyer and he represented himself as such. Atty. Gadon was even giving his legal opinions on the matters discussed on air. There is no denying that Atty. Gadon was acting as a lawyer when he made the questioned statements.

Based on the foregoing, the liability of Atty. Gadon was clearly established.

²⁷ 801 Phil. 570 (2016) [Per J. Perlas-Bernabe, First Division].

²⁸ *Id.* at 588.

²⁹ *Gonzalez v. Atty. Alcaraz*, 534 Phil. 471, 483 (2006) [Per C.J. Panganiban, First Division].



The proper penalty

The Court now proceeds to discuss the penalty to be imposed. As Atty. Gadon was previously meted the ultimate penalty of disbarment in the previous case of *In Re: Atty. Lorenzo G. Gadon's Viral Video Against Ms. Raissa Robles*,³⁰ the penalty of disbarment cannot be imposed. However, Section 42, Canon VI of the CPRA now finds application in the instant case:

SECTION 42. Penalty When the Respondent Has been Previously Disbarred. — When the respondent has been previously disbarred and is subsequently found guilty of a new charge, the Court may impose a fine or order the disbarred lawyer to return the money or property to the client, when proper. *If the new charge deserves the penalty of a disbarment or suspension from the practice of law, it shall not be imposed but the penalty shall be recorded in the personal file of the disbarred lawyer in the Office of the Bar Confidant or other office designated for the purpose.* In the event that the disbarred lawyer applies for judicial clemency, the penalty so recorded shall be considered in the resolution of the same. (Emphasis supplied.)

Consistent with the CPRA, the Court directs the Office of the Bar Confidant to record the infraction of Atty. Gadon in his personal file.

Considering that Atty. Gadon had already been meted the ultimate penalty of disbarment, aside from recording the infraction in his personal file, a fine of PHP 150,000.00 is imposed on Atty. Gadon, pursuant to the Court's power to regulate the conduct of lawyers prior to their disbarment. The pronouncement of the Court in *Valmonte v. Atty. Quesada*³¹ is clear:

But while the Court can no longer impose the penalty upon the disbarred lawyer, it can still give the corresponding penalty only for the sole purpose of recording it in his personal file with the Office of the Bar Confidant (OBC), which should be taken into consideration in the event that the disbarred lawyer subsequently files a petition to lift his disbarment.

In addition, *the Court may also impose a fine upon a disbarred lawyer found to have committed an offense prior to his/her disbarment as the Court does not lose its exclusive jurisdiction over other offenses committed by a disbarred lawyer while he/she was still a member of the Law Profession.* In fact, by imposing a fine, the Court is able "to assert its authority and competence to discipline all acts and actuaciones committed by the members of the Legal Profession."³² (Emphasis supplied; citations omitted)

We reiterate that prior to his disbarment in A.C. No. 13521, Atty. Gadon has been the subject of previous administrative complaints, where he was found guilty and appropriately punished. Atty. Gadon was also warned

³⁰ A.C. No. 13521, June 27, 2023 [Per Curiam, *En Banc*].

³¹ 867 Phil. 247 [Per J. Hernando, Second Division].

³² *Id.* at 252.

that repetition of those acts or similar acts will warrant the imposition of a higher penalty. Unfortunately, Atty. Gadon refused to heed the warnings of the Court.

A Final Note

Although all the utterances subject of this case were addressed to former President Aquino, Atty. Gadon's statements had an equally pernicious effect: these statements served to bolster the existing social stigma against PLHIVs, and to spread fear and disinformation about PLHIVs and their condition. By claiming on air that even with the access to the best medical facilities, those with PLHIVs could not be cured, Atty. Gadon exacerbated the struggles and confusion of this long-marginalized sector.

Atty. Gadon's act of spreading misinformation about the illness, where he gave the impression that HIV is untreatable, is irresponsible to say the least. Atty. Gadon even went as far as to heckle and threaten on air the PLHIVs who were planning to file the case, that should they proceed to file the same, they would be identified in the complaint and subjected to embarrassment and ostracized for revealing that they have HIV. This act should be the final nail to seal the fate of Atty. Gadon.

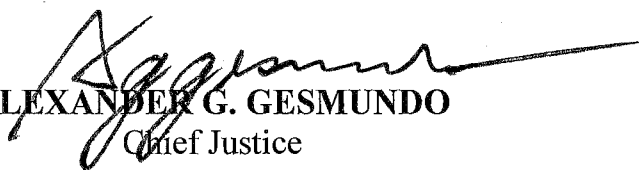
ACCORDINGLY, the Court finds Atty. Lorenzo G. Gadon **GUILTY** of violating the Code of Professional Responsibility and Accountability, thereby warranting the imposition of the penalty of **DISBARMENT** from the practice of law. However, in view of his earlier disbarment in *In Re: Atty. Lorenzo G. Gadon's Viral Video Against Raissa Robles*, the penalty can no longer be imposed but must nonetheless be recorded in his personal file pursuant to Section 42, Canon VI of the CPRA and should be considered in the event that he applies for judicial clemency. Accordingly, and in view of his prior disbarment, a penalty of **FINE** in the amount of PHP 150,000.00 is imposed instead upon Atty. Lorenzo G. Gadon.

Let copies of this Decision be furnished the Office of the Bar Confidant, to be appended to Atty. Lorenzo G. Gadon's personal record as a member of the Bar; the Integrated Bar of the Philippines; the Office of the Court Administrator, for dissemination to all courts throughout the country for their information and guidance; and the Department of Justice.

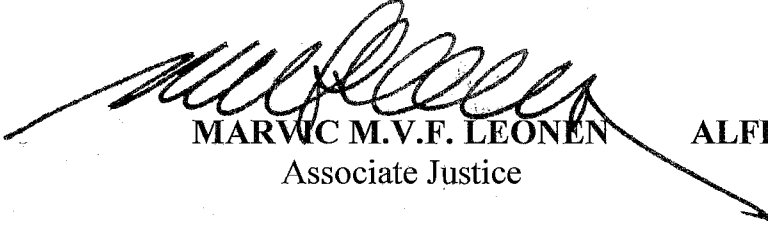
This Decision is immediately executory.

SO ORDERED.



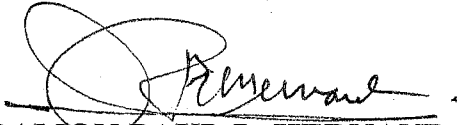


ALEXANDER G. GESMUNDO
Chief Justice

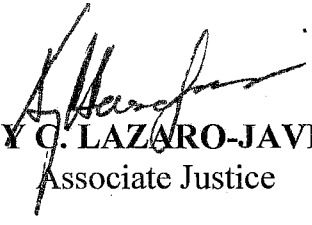


MARVIC M.V.F. LEONEN
Associate Justice

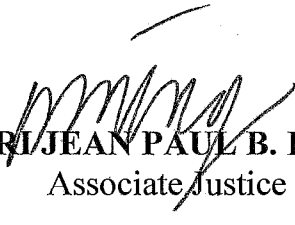
(No Part)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



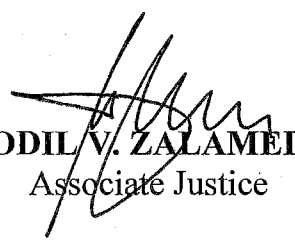
RAMON PAUL L. HERNANDO
Associate Justice



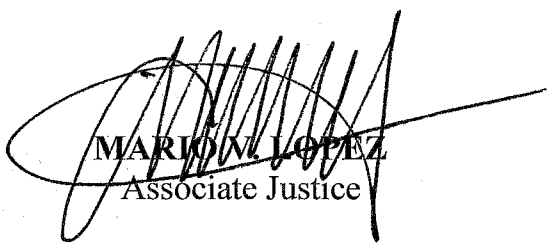
AMY C. LAZARO-JAVIER
Associate Justice



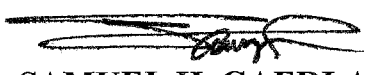
HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARION N. LOPEZ
Associate Justice



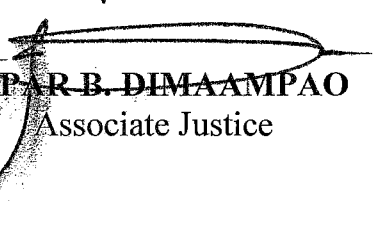
SAMUEL H. GAERLAN
Associate Justice



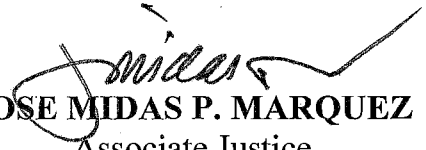
RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



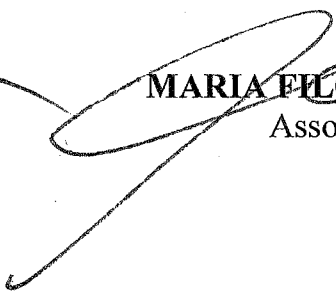
JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice