



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

REQUEST OF THE PUBLIC  
ATTORNEY'S OFFICE TO  
DELETE SECTION 22, CANON  
III OF THE PROPOSED CODE  
OF PROFESSIONAL  
RESPONSIBILITY AND  
ACCOUNTABILITY

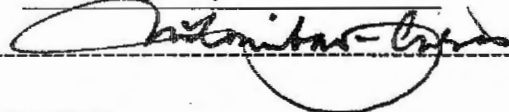
A.M. No. 23-05-05-SC

Present:

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



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DECISION

SINGH, J.:

Before the Court are the Very Respectful Verified Compliance (Re: Show-Cause Order dated 11 July 2023)<sup>1</sup> (**First Compliance**) and Very Respectful Verified Compliance (Re: Show-Cause Order dated 25 July 2023)<sup>2</sup> (**Second Compliance**) filed by Atty. Persida V. Rueda-Acosta (**Atty. Acosta**), the Chief of the Public Attorney's Office (**PAO**), in response to the

<sup>1</sup> *Rollo*, pp. 699-710.

<sup>2</sup> *Id.* at 720-731.



Court's Resolutions,<sup>3</sup> dated July 11, 2023 and July 25, 2023. The Court, *motu proprio*, required Atty. Acosta to show cause why she should not be cited in indirect contempt and be disciplined as a member of the Bar for violation of Sections 2, 14, and 42, Canon II and Section 2, Canon III of A.M. No. 22-09-01-SC, the Code of Professional Responsibility and Accountability (CPRA).

### *The Facts*

On April 28, 2023, the Court received a Letter,<sup>4</sup> dated April 20, 2023, from the PAO addressed to Chief Justice Alexander G. Gesmundo (**Chief Justice Gesmundo**). In the said Letter, the PAO petitioned that:

- 1) SECTION 22, CANON III of the Proposed Code of Professional Responsibility and Accountability, to wit:

“SECTION 22. Public Attorney’s Office; conflict of interest. – The Public Attorney’s Office is the primary legal aid service of the government. In the pursuit of its mandate under its charter, the Public Attorney’s Office shall ensure ready access to its services by the marginalized sectors of society in a manner that takes into consideration the avoidance of potential conflict of interest situations which will leave these marginalized parties unassisted by counsel.

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

be **REMOVED**, so that public attorneys will be governed by the remaining provisions on conflict of interest applicable to all members of the legal profession, without discrimination and qualification;

- 2) Section 22, Canon III of the New Code of Professional Responsibility be **TEMPORARILY NOT IMPLEMENTED** pending a second look and review by all members of the Supreme Court *En Banc* on its constitutionality, and determination of whether it is detrimental to the integrity of the justice system, public service and public trust, and safety of the life and limb of public attorneys.<sup>5</sup> (Emphasis and underscoring in the original)

<sup>3</sup> *Id.* at 628–643; 663–666.

<sup>4</sup> *Id.* at 1–22.

<sup>5</sup> *Id.* at 19–20.



On June 7, 2023, the Court received another Letter,<sup>6</sup> dated June 6, 2023, from the PAO reiterating concerns regarding Section 22, Canon III of the CPRA and seeking a dialogue with Chief Justice Gesmundo.

In the Resolution,<sup>7</sup> dated July 11, 2023, the Court resolved to deny the PAO's request that Section 22, Canon III of the CPRA be deleted. It ruled that the CPRA was promulgated by the Court in the exercise not only of its power to regulate the practice of law, but also of its constitutional prerogative to promulgate rules concerning legal assistance to the underprivileged. Noting that the PAO's principal mandate is to provide free legal assistance to indigents, the Court rejected the PAO's contention that it should be treated like a regular law firm. The Court also found no merit in the PAO's claim that Section 22, Canon III singles out the poor and that it is "antithetical to adequate legal assistance" and poses a "serious threat" to the right to speedy disposition of cases, emphasizing that the policy behind the new rule is to promote the poor's access to legal assistance by limiting the imputation of conflict of interest to public attorneys who had actual participation in the case. The Court found the alleged inconsistencies pointed out by the PAO between the assailed rule, on the one hand, and Republic Act No. 9406<sup>8</sup> and the 2021 PAO Revised Operations Manual, on the other hand, to be more apparent than real.<sup>9</sup>

In the same Resolution, the Court noted and expressed concern over Atty. Acosta's disturbing actions in relation to her opposition to the proposed new conflict of interest rule for the PAO, which eventually became Section 22, Canon III of the CPRA. In several public posts on her page on the social media platform Facebook, Atty. Acosta appealed to the public to stand against Section 22, Canon III of the CPRA and maligned the Court for adopting the said rule. Atty. Acosta also launched a public campaign against Section 22, Canon III of the CPRA by posting on the same social media platform several videos of the PAO lawyers, employees, and clients declaring their disagreement with the rule. Moreover, Atty. Acosta publicized the contents of the PAO's letters to Chief Justice Gesmundo against Section 22, Canon III of the CPRA through different forms of media.<sup>10</sup>

In view of the foregoing, the Court directed Atty. Acosta to show cause why she should not be cited in contempt and administratively dealt with for violation of Sections 2, 14, and 42, Canon II of the CPRA.<sup>11</sup>

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<sup>6</sup> *Id.* at 622–625.

<sup>7</sup> *Id.* at 628–643.

<sup>8</sup> Entitled "AN ACT REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY'S OFFICE (PAO), AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS THE 'ADMINISTRATIVE CODE OF 1987,' AS AMENDED, GRANTING SPECIAL ALLOWANCE TO PAO OFFICIALS AND LAWYERS, AND PROVIDING FUNDS THEREFOR." Approved: March 23, 2007.

<sup>9</sup> *Rollo*, pp. 630–638.

<sup>10</sup> *Id.* at 639–641.

<sup>11</sup> *Id.* at 641.



Thereafter, on July 14, 2023, the Court received a copy of Office Order No. 096, Series of 2023<sup>12</sup> (**Office Order**) issued by Atty. Acosta in response to the Court's Resolution, dated July 11, 2023. Finding the statements in the Office Order to be a further instigation of disobedience to Section 22, Canon III of the CPRA, the Court, in its Resolution,<sup>13</sup> dated July 25, 2023, directed Atty. Acosta to show cause why she should not be disciplined as a member of the Bar for violation of Section 2, Canon II and Section 2, Canon III of the CPRA for the issuance of the Office Order.

In her First Compliance,<sup>14</sup> Atty. Acosta did not deny committing the acts subject of the show cause order. Instead, she pleaded for the Court's mercy, compassion, and understanding. She alleged that on July 14, 2023, she apologized, expressed PAO's "utmost respect and love" for the Court, and committed to abide by Section 22, Canon III of the CPRA through a public video published on her Facebook page. Atty. Acosta reiterated her apology and prayed that the matter be considered closed and terminated. She explained that her public statements were not made to unduly influence the Court, let alone insinuate improper motives on the part of the Members of the Court, but were expressed as humble requests for reconsideration. Atty. Acosta further averred that she never intended to impede, obstruct, or degrade the administration of justice. However, she acknowledged that she should have been more careful in her statements so as to preserve the integrity and independence of the Judiciary. Atty. Acosta also stated that, to manifest her and the PAO's extreme regret and remorse over their actions and statements, they have deleted all posts related to the CPRA.<sup>15</sup>

In her Second Compliance,<sup>16</sup> Atty. Acosta conveyed her heartfelt plea for the Court's forgiveness and empathy. Atty. Acosta claimed that the Office Order was issued in response to the clamor of the public attorneys for specific guidelines following the Court's denial of their request for the deletion of Section 22, Canon III of the CPRA. Atty. Acosta clarified that she and the other officials of the PAO opted to defer compliance with the CPRA to each public attorney's "discretion and disposition as a lawyer," while laying down all the related provisions, because of the differing interpretation of and application by judges of Section 22, Canon III of the CPRA. Atty. Acosta said that they decided against declaring any of the conflicting interpretations of Section 22, Canon III of the CPRA as a policy as any of the said interpretations may later turn out to be erroneous.<sup>17</sup>

Nevertheless, Atty. Acosta admitted that they should have been more precise, prudent, and careful in issuing the Office Order so as not to create the

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<sup>12</sup> *Rollo*, pp. 651-655.

<sup>13</sup> *Id.* at 663-666.

<sup>14</sup> *Id.* at 699-710.

<sup>15</sup> *Id.* at 702-704.

<sup>16</sup> *Id.* at 720-731.

<sup>17</sup> *Id.* at 722-724.



impression that they are instilling fear and instigating non-compliance with Section 22, Canon III of the CPRA, which was never their intention.<sup>18</sup>

Atty. Acosta averred that in order to signify their genuine intent to comply with Section 22, Canon III of the CPRA, and eliminate any doubt and confusion brought about by the Office Order, they issued Office Order No. 102, Series of 2023,<sup>19</sup> which amended the Office Order to delete the offending statements.<sup>20</sup>

Thus, Atty. Acosta prayed that the Second Compliance be considered as full compliance with the show cause order issued by the Court and that the incident be deemed as closed and terminated.<sup>21</sup>

In her Very Respectful Manifestation (on Full Compliance with Section 22, Canon III of the Code of Professional Responsibility)<sup>22</sup> (**Manifestation**), dated February 5, 2024, Atty. Acosta, by way of an update, manifested the full compliance by the PAO with Section 22, Canon III of the CPRA. Attached to the Manifestation was a report of the cases in which both parties were represented by different PAO Lawyers.<sup>23</sup>

### *The Court's Ruling*

*Atty. Acosta is guilty of indirect contempt*

Contempt is defined as a disobedience to the court by acting in opposition to its authority, justice and dignity. It signifies not only a willful disregard or disobedience of the court's orders, but such conduct which tends to bring the authority of the court and the administration of law into disrepute or in some manner to impede the due administration of justice. It is a conduct that tends to bring the authority and administration of the law into disrespect or to interfere with or prejudice parties-litigant or their witnesses during litigation.<sup>24</sup>

In *Tallado v. Racoma*,<sup>25</sup> the Court discussed the nature of and rationale behind the courts' authority to penalize contempt of court:

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<sup>18</sup> *Id.* at 724–725.

<sup>19</sup> *Id.* at 714–718.

<sup>20</sup> *Id.* at 725–726.

<sup>21</sup> *Id.* at 727.

<sup>22</sup> *Id.* at 812–818.

<sup>23</sup> *Id.* at 819–929.

<sup>24</sup> *Panadero v. Commission on Elections*, 783 Phil. 857, 867 (2016) [Per J. Reyes, *En Banc*].

<sup>25</sup> A.M. No. RTJ-22-022, August 23, 2022 [Per J. Singh, *En Banc*].

The power to punish for contempt is inherent in all courts, and need not be specifically granted by statute. It lies at the core of the administration of a judicial system. Indeed, there ought to be no question that courts have the power by virtue of their very creation to impose silence, respect, and decorum in their presence, submission to their lawful mandates, and to preserve themselves and their officers from the approach and insults of pollution. **The power to punish for contempt essentially exists for the preservation of order in judicial proceedings and for the enforcement of judgments, orders, and mandates of the courts, and, consequently, for the due administration of justice. The reason behind the power to punish for contempt is that respect of the courts guarantees the stability of their institution; without such guarantee, the institution of the courts would be resting on a very shaky foundation.**<sup>26</sup> (Emphasis supplied, citations omitted)

In *Fortune Life Insurance Co., Inc. v. Commission on Audit*,<sup>27</sup> the Court underscored that for the Court and all other courts of the land to be able to administer and dispense evenhanded justice, they should be free from harassment and disrespect.

There are two (2) types of contempt of court: (i) direct contempt; and (ii) indirect contempt. As defined by jurisprudence, direct contempt is characterized by misbehavior committed in the presence of or so near a court or judge as to interrupt the proceedings before the same, as distinguished from indirect contempt, which is committed out of or not in the presence of the court, that tends to belittle, degrade, obstruct, or embarrass the court and justice.<sup>28</sup>

Bearing the foregoing in mind, the Court finds and declares Atty. Acosta guilty of indirect contempt under Section 3, Rule 71 of the Rules of Court, which provides:

SECTION 3. *Indirect contempt to be punished after charge or hearing.* — After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

- (a) Misbehavior of an officer of a court in the performance of his official duties or in his official transactions;
- (b) Disobedience of or resistance to a lawful writ, process, order or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or

<sup>26</sup> *Id.*

<sup>27</sup> 821 Phil. 159, 168 (2017) [Per J. Bersamin, *En Banc*].

<sup>28</sup> *Panadero v. Commission on Elections*, *supra* note 15.

possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;

- (c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under section 1 of this Rule;
- (d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;**
- (e) Assuming to be an attorney or an officer of a court, and acting as such without authority;
- (f) Failure to obey a subpoena duly served; and
- (g) The rescue, or attempted rescue, of a person or property in the custody of an officer by virtue of an order or process of a court held by him.

But nothing in this section shall be so construed as to prevent the court from issuing process to bring the respondent into court, or from holding him in custody pending such proceedings. (Emphasis supplied)

Under the above-quoted provision, any person guilty of improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice may be punished for indirect contempt.

It must be emphasized that Atty. Acosta never disputed that she committed the acts which gave rise to the show cause orders. To recall, in a public post on her page on the social media platform Facebook, Atty. Acosta urged her audience to “[s]ee if the intent of the proponent [of Section 22, Canon III of the CPRA] is to destroy [the] tranquility and credibility of [the] justice and legal aid system.”<sup>29</sup> She likewise posted on the same Facebook page the following questions:

- (a) “Be VIGILANT & See! Who is using ‘Divide and Rule Policy’ to destroy UNITY, PROGRESS, & PEACE?”
- (b) “Will you let to be tools (sic) in causing dissension, partisan and contentious quarelling (sic) among PAO lawyers at PAO? YES or NO?”
- (c) “The Public Attorney’s Office (PAO) has been strengthened thru RA no. 9406, why would you weaken it thru a chaotic move?”
- (d) “May iisang INA, bakit kayo mag-aaway-away na magkakapatid at magkakasama sa iisang tanggulan ng katarungan????” (You only have one mother. Why would siblings and members of the same defender of justice quarrel???)<sup>30</sup>

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<sup>29</sup> *Id.* at 639.

<sup>30</sup> *Id.*



The foregoing statements and innuendos of Atty. Acosta on her Facebook page, which is accessible to the public, unquestionably tended to attribute ill intent and malice on the part of the Court for promulgating Section 22, Canon III of the CPRA. Atty. Acosta accused the Court of wreaking havoc upon the justice and legal aid system, causing a rift among PAO lawyers, and dividing and weakening the PAO, by adopting Section 22, Canon III of the CPRA. These statements and innuendos, aside from being uncalled for and unfounded, cast doubt on the integrity of the Court and ultimately the administration of justice.

In *In re: Almacen v. Yaptinchay*,<sup>31</sup> the Court recognized the right of a lawyer, both as an officer of the court and as a citizen, to criticize the acts of courts and judges. However, the Court emphasized that this right is not absolute and is subject to an important condition:

To curtail the right of a lawyer to be critical of the foibles of courts and judges is to seal the lips of those in the best positions to give advice and who might consider it their duty, to speak disparagingly. "Under such a rule," so far as the bar is concerned, "the merits of a sitting judge may be rehearsed, but as to his demerits there must be profound silence."

**But it is the cardinal condition of all such criticism that it shall be bona fide, and shall not spill over the walls of decency and propriety. A wide chasm exists between fair criticism, on the one hand, and abuse and slander of courts and the judges thereof, on the other.** Intemperate and unfair criticism is a gross violation of the duty of respect to courts. It is such a misconduct that subjects a lawyer to disciplinary action.<sup>32</sup> (Emphasis supplied, citations omitted)

In *Judge Ramos v. Atty. Lazo*,<sup>33</sup> the Court further held:

Notably, a lawyer's duty to respect the courts and its officers does not require blind reverence. The Code does not aim to cow lawyers into silence. In fact, in *Judge Lacurom v. Atty. Jacoba and Atty. Velasco*, this Court recognized the right of a lawyer, both as an officer of the court and as a citizen, to criticize the acts of courts and judges in respectful terms and through legitimate channels. **Criticisms, if warranted, must be respectful and ventilated through the proper forum.**<sup>34</sup> (Emphasis supplied)

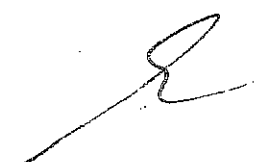
Certainly, Atty. Acosta's posts, which unjustly imputed ill-intent on the part of the Court, do not qualify as fair criticism. Moreover, it is well to emphasize that the statements and innuendos subject of the present case were made by Atty. Acosta in a public forum.

<sup>31</sup> 142 Phil. 353 (1970) [Per J. Ruiz Castro, *En Banc*].

<sup>32</sup> *Id.* at 370-371.

<sup>33</sup> 883 Phil. 318 (2020) [Per J. Gaerlan, *En Banc*].

<sup>34</sup> *Id.* at 326.





As noted by the Court in its July 11, 2023 Resolution, Atty. Acosta also launched a public campaign against Section 22, Canon III of the CPRA on the same social media platform by uploading several videos of the PAO lawyers, employees, and clients expressing their opposition to the assailed rule. She likewise publicized the contents of the PAO's letters to Chief Justice Gesmundo, as well as the several Manifestos against Section 22, Canon III of the CPRA signed by the PAO lawyers and staff annexed to the letters, using various forms of media. In the PAO's letter,<sup>35</sup> dated April 20, 2023, the PAO alleged that Section 22, Canon III of the CPRA "creates the impression that the justice system in the Philippines is a sham[,] "puts at risk the life and limb of the handling public attorneys[,] and "destroy[s] the tranquility, credibility, and efficiency of the PAO."<sup>36</sup> In the same letter, the PAO charged the Court with violating the Constitution, particularly, the equal protection clause, the separation of powers among the different branches of the government, and the rights of the people to adequate legal assistance and speedy disposition of their cases.<sup>37</sup> The PAO further claimed that the Court "intruded upon PAO policies, rules, and regulations."<sup>38</sup> Meanwhile, the Manifestos averred that the Court, by adopting the assailed rule, "directly interfere[d] with the power of the PAO as vested in the Chief Public Attorney under Republic Act 9406 to formulate its own rules and regulations for its smooth and efficient operation."<sup>39</sup>

The commission of the foregoing acts was never refuted by Atty. Acosta, who, through her Very Respectful Verified Compliances, even apologized for such acts but denied any intent to exert influence and imply any inappropriate motive on the part of the Court.

Atty. Acosta avers that her public statements "were never made to unduly influence [the Court], let alone insinuate improper motives on the [Members thereof]; but were expressed as humble requests for reconsideration."<sup>40</sup> However, the contumacious language by which Atty. Acosta expressed her opinion on the challenged rule can hardly be considered as a "humble request for reconsideration." Moreover, Atty. Acosta's acts, when taken together, unquestionably reveal an attempt to exert influence on the Court by swaying the public opinion and rallying the public to support her cause. This is an abhorrent practice that borders on insubordination, which is extremely undesirable for the Chief of Office of one of the judiciary's indispensable partners in the administration of justice. It cannot be sanctioned by the Court if it is to preserve the integrity and independence of the judiciary.

Accordingly, the Court holds Atty. Acosta guilty of indirect contempt

<sup>35</sup> *Rollo*, pp. 1-22. PAO Letter.

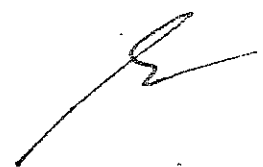
<sup>36</sup> *Id.* at 1, 3.

<sup>37</sup> *Id.* at 3-17.

<sup>38</sup> *Id.* at 10.

<sup>39</sup> *Id.* at 24, Respectful Manifesto.

<sup>40</sup> *Id.* at 703, First Compliance.



of court for improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice.

*Atty. Acosta violated Sections 2, 14, and 42, as well as the provisions on the Responsible Use of Social Media, of the CPRA*

Aside from constituting indirect contempt, Atty. Acosta's acts likewise violated the provisions of the CPRA,<sup>41</sup> particularly Sections 2, 14, and 42, Canon II thereof:

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

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

**SECTION 14. Remedy for grievances; insinuation of improper motive.** — A lawyer shall submit grievances against any officer of a court, tribunal, or other government agency **only through the appropriate remedy and before the proper authorities.**

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

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

Here, Atty. Acosta failed to give the respect that is due to the Court. When she could not get what she wanted from the Court, she turned to the public to gain sympathy by vilifying the Court and painting herself and her office as the victims of the Court's purported abuse of its authority. She charged the Court with no less than violation of the Constitution, which it is duty-bound to safeguard and uphold. In so doing, she failed to observe Section 14, Canon II of the CPRA, which mandates that a lawyer shall submit his or her grievance only through the appropriate remedy and before the proper authorities. Even if Atty. Acosta wrote to Chief Justice Gesmundo,

<sup>41</sup> Section 1 of the General Provisions provides:

**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.

without waiting for the Chief Justice's or the Court's action, Atty. Acosta improperly publicized the PAO's letters in tri-media, thereby exerting undue influence on the Court. Worse, she insinuated improper and unsubstantiated motives against the Court and publicly denounced it for alleged "abuse of authority."

As previously discussed, Atty. Acosta impressed upon the public that in adopting Section 22, Canon III of the CPRA, the Members of the Court intended to jeopardize unity, progress, and peace, to sow dissent and disorder, and to weaken the PAO. She also accused the Court of endangering the very lives and limbs of the public attorneys. These insinuations are not only unsupported by substantial evidence, they likewise cannot be farther from the truth. As the Court held in its July 11, 2023 Resolution:

Section 22, Canon III of the CPRA stripped to its core, merely states that the PAO cannot indiscriminately invoke conflict of interest in cases where its services have been engaged by one of the parties when its assistance is sought by another party. Conflict of interest only sets in for the handling public attorney and his or her direct supervisor.

....

To reiterate, the policy behind Section 22, Canon III of the CPRA is to promote the poor's access to legal assistance by limiting the imputation of conflict of interest to public attorneys who had actual participation in the case. While the Court commiserates with the PAO, it cannot be blind to the plight of the indigents, who are often left without legal representation due to the indiscriminate invocation of conflict of interest by the PAO, whose primary statutory mandate is to provide legal assistance to the poor.<sup>42</sup>

Lastly, Atty. Acosta's appeal to the public through her Facebook page patently violated Section 42, Canon II of the CPRA. As mentioned earlier, her appeal to the public was an attempt to influence the Court to yield to her request to delete Section 22, Canon III of the CPRA.

In addition to Sections 2, 14, and 42, Canon II it is also apparent that Atty. Acosta violated the provisions of the CPRA on the responsible use of social media:

#### **RESPONSIBLE USE OF SOCIAL MEDIA**

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

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<sup>42</sup> *Rollo*, p. 638, Resolution, dated July 11, 2023.



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

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

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

Here, Atty. Acosta, despite spending decades in the government service and as a member of the Bar, including her more than 22 years as Chief of PAO, failed to take into account the risks and ethical implications associated with the use of social media when she publicized the PAO's request to delete Section 22, Canon III of the CPRA. By appealing to the public opinion, she maliciously insinuated that the Court intends to destroy the tranquility and credibility of the justice and legal aid systems. By dishonestly ascribing such improper motives to the Members of the Court, particularly in approving Section 22, Canon III and by accusing the Court of grave abuse of authority and contravention of the Constitution, she committed gross disinformation and misrepresentation, and showed utter disrespect for the Court and the rule of law.

When the Court issued the Resolutions, dated July 11, 2023 and July 25, 2023, Atty. Acosta, together with other PAO lawyers, should have already seen the improper overreach of her actions. She now comes to this Court, diminishing her harmful acts:

12. However, we do realize, Your Honors, that we should have been more careful in our statements so as to preserve the integrity and independence of the Judiciary. The power of social and mainstream media is so strong, that great responsibility is upon those who utilize the same to be always prudent and temperate in expressing their legal stance; and not cross the very thin line between constructive criticism and negative commentary. It is incumbent upon us as members of the Integrated Bar, as public officials, and as officers of the Court, to not let ourselves be overcome by passion and overzealousness to the point of unnecessarily imputing error to this Honorable Court. It is incumbent upon us as members of the Integrated Bar, as public officials, and as officers of the Court, to avail of appropriate and peaceful legal remedies before the proper authorities.

13. **Realizing our lapse in judgment, and to manifest our extreme regret and remorse over our actions and statements, the entire PAO lawyers and staff readily DELETED all posts related to the CPRA; and**



**since then, have never posted anything that might appear to undermine the Judiciary and this Honorable Court.**<sup>43</sup> (Emphasis supplied)

Despite this, however, the Court was forced to even issue a second show cause order to Atty. Acosta after she issued the Office Order, in brazen defiance of the Court's authority and prior show cause order.

Although the admission of the wrongdoing and the corresponding apology may be taken as signs of remorse, remorse must come with accountability. After all, Atty. Acosta is a public servant and her position is a public trust. To be clear, although Atty. Acosta has apologized, the fact remains that provisions of the CPRA have been violated. Atty. Acosta must now bear the consequences of her actions.

*Atty. Acosta further violated Section 2, Canon II and Section 2, Canon III by issuing the Office Order*

In her Second Compliance, Atty. Acosta stated that she did not intend to instigate belligerence and disrespect for the Court and disobedience to Section 22, Canon III of the CPRA in issuing the Office Order. However, a plain reading of the Office Order clearly belies her claims. The Court has previously ruled that a person's intent, however good it may be, cannot prevail over the plain import of their speech or writing. It is gathered from what is apparent, not from supposed or veiled objectives.<sup>44</sup>

The Office Order reads in part:

We hereby give the discretion and disposition as a lawyer to the individual resident public attorneys assigned in specific courts to comply with [Section 22, Canon III of the CPRA] in relation to Sections 13 and 18, Canon III thereof.

PAO resident public attorneys are hereby advised to reconcile [Section 22, Canon III of the CPRA] with the provisions of Article 209 of the Revised Penal Code, as amended by Section 36 of Republic Act No. 10951 approved on August 29, 2017, which provides:

*“Art. 209. Betrayal of trust by an attorney or solicitor.— Revelation of Secrets. — In addition to proper administrative action, the penalty of *prision correccional* in its minimum period, or a fine ranging from Forty thousand pesos (P40,000.00) to Two hundred thousand pesos (P200,000), or both, shall be imposed upon any attorney-at-law or any person duly authorized to represent and/or assist a party to a*

<sup>43</sup> *Id.* at 704.

<sup>44</sup> *Garcia, Jr. v. Manrique*, 697 Phil. 157, 167 (2012) [Per J. Reyes, First Division].



case who, by any malicious breach of professional duty or of inexcusable negligence or ignorance, shall prejudice his client, or reveal any of the secrets of the latter learned by him in his professional capacity.

The same penalty shall be imposed upon an attorney-at-law or any person duly authorized to represent and/or assist a party to a case, who, **having undertaken the defense of a client or having received confidential information from said client in a case, shall undertake the defense of the opposing party in the same case, without the consent of his first client.**"

to avoid any criminal responsibility and imprisonment; considering that said penal provision requires the consent also of the first client.

PAO resident public attorneys are likewise advised to adopt precautionary measures in handling conflict-of-interest cases to protect their life and limb as well as to avoid criminal and administrative liability.<sup>45</sup> (Emphasis in the original, underscoring supplied)

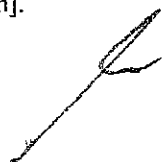
While Atty. Acosta started the Office Order with the phrase "we will hereby comply/adhere to [Section 22, Canon III of the CPRA]," the subsequent portions of the Office Order expressly declared that compliance with Section 22, Canon III of the CPRA is subject to the discretion and disposition of the PAO lawyers. Also, by advising the PAO lawyers to reconcile Section 22, Canon III of the CPRA with the Revised Penal Code, and to take preventive steps to protect their life and limb and avoid criminal and administrative liability, Atty. Acosta again maliciously implied that the Court, by promulgating Section 22, Canon III of the CPRA, unduly exposed the PAO lawyers not only to criminal and administrative liability, but also to physical danger, thereby instigating disobedience to the rule. Atty. Acosta incontrovertibly failed to observe and maintain the respect due to the Court and to promote respect for laws and legal processes in violation of Section 2, Canon II and Section 2, Canon III of the CPRA. It is worth emphasizing that the Court in its July 11, 2023 Resolution, already expressly directed the PAO to strictly comply with the CPRA, specifically, Section 22, Canon III thereof.

It behooves the Court to remind Atty. Acosta of her duty as an officer of the court to build, and not destroy, the high esteem and regard towards the judiciary. Respect towards the courts guarantees the stability of the judicial institution, without which, it would be resting on a very shaky foundation.<sup>46</sup>

All told, the Court finds Atty. Acosta's CPRA violations to constitute Grossly Undignified Conduct Prejudicial to the Administration of Justice

<sup>45</sup> *Rollo*, pp. 651–652, Office Order.

<sup>46</sup> *Judge Ramos v. Atty. Lazo*, 883 Phil. 318, 325 (2020) [Per J. Gaerlan, Third Division].



under Section 33(i), Canon VI of the CPRA.

To underscore, Atty. Acosta's actions undermined the public's confidence in the Court, and, consequently, the orderly administration of justice. Atty. Acosta resorted to indecorous and improper means to sway public opinion and convince the Court to reconsider Section 22, Canon III of the CPRA by: (a) posting offensive statements and innuendos against the Court on her Facebook page; (b) launching a public campaign against Section 22, Canon III of the CPRA; and (c) publicizing the contents of the PAO's letters to Chief Justice Gesmundo. Instead of relying on the merits of the PAO's contentions against Section 22, Canon III of the CPRA, Atty. Acosta tried to achieve her desired end by baselessly attacking the Court and exerting influence thereon through public opinion. Her statements that the Court has abused its authority and interfered with the PAO's processes, and her assertion that the Court transgressed the Constitution are highly censurable. Her unfounded insinuations of ill motive on the part of the Court indubitably exposed it, and the Judiciary which it represents, to public ridicule and mockery. Instead of being at the forefront of upholding the Court's dignity and independence, which are indispensable to the proper administration of justice, Atty. Acosta sowed hate and disrespect against the Court. She also incited defiance to Section 22, Canon III of the CPRA among the public attorneys by issuing the Office Order.

*The penalties to be imposed on Atty.  
Acosta*

Atty. Acosta's culpability having been established, the Court comes now to the proper sanction to be imposed on her considering the gravity of her offenses, as well as the circumstances attending this case.

Section 7, Rule 71 of the Rules of Court provides the penalty for indirect contempt. It states:

**SECTION 7. Punishment for Indirect Contempt. — If the respondent is adjudged guilty of indirect contempt committed against a Regional Trial Court or a court of equivalent or higher rank, he may be punished by a fine not exceeding thirty thousand pesos or imprisonment not exceeding six (6) months, or both.** If he is adjudged guilty of contempt committed against a lower court, he may be punished by a fine not exceeding five thousand pesos or imprisonment not exceeding one (1) month, or both. If the contempt consists in the violation of a writ of injunction, temporary restraining order or *status quo* order, he may also be ordered to make complete restitution to the party injured by such violation of the property involved or such amount as may be alleged and proved.

The writ of execution, as in ordinary civil actions, shall issue for the enforcement of a judgment imposing a fine unless the court otherwise



provides. (Emphasis supplied)

Under the above-quoted provision, a person found guilty of indirect contempt against the Court may be punished by a fine not exceeding PHP 30,000.00 or imprisonment not exceeding six (6) months, or both. The Court deems a fine in the amount of PHP 30,000.00 appropriate considering the gravity of Atty. Acosta's acts.

As regards the proper penalty to be imposed on Atty. Acosta for her transgressions of her duties as a member of the Bar, the Court looks for guidance in Canon VI of the CPRA, which governs disciplinary actions against lawyers.

Section 33, Canon VI of the CPRA classifies Grossly Undignified Conduct Prejudicial to the Administration of Justice as a serious offense.

Under Section 37 (a), Canon VI of the CPRA, a lawyer found guilty of a serious offense may be sanctioned with any or a combination of the following penalties: (a) disbarment; (b) suspension from the practice of law for a period exceeding six (6) months; (c) revocation of notarial commission and disqualification as notary public for not less than two (2) years; or (d) a fine exceeding PHP 100,000.00. Relatedly, Section 40, Canon VI lays down the guidelines for meting out the penalties when multiple offenses are involved:

**SECTION 40. Penalty for multiple offenses. — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense.** Should the aggregate of the imposed penalties exceed five (5) years of suspension from the practice of law or ₱1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court be meted with the penalty of disbarment.

If a single act or omission gives rise to more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense. (Emphasis supplied)

However, as astutely pointed out by Associate Justice Alfredo Benjamin S. Caguioa (**Associate Justice Caguioa**) during the deliberations in this case, the Court, in the recently decided case of *Larena v. Urbina*,<sup>47</sup> has adopted its interpretation of Section 21, Rule 140 of the Rules of Court in *Banzuela-Didulo v. Santizo*,<sup>48</sup> in the application of the similarly worded

<sup>47</sup> A.C. No. 4710, December 5, 2023 [Per J. Caguioa, *En Banc*]

<sup>48</sup> A.M. No. P-22-063, February 7, 2023 [Per J. Kho, Jr., *En Banc*]





## Section 40, Canon VI of the CPRA.

In applying Section 21, Rule 140 of the Rules of Court as amended by A.M. No. 21-08-09-SC,<sup>49</sup> the Court in *Banzuela-Didulo* pertinently held:

**A circumspect review of the records reveals that Santizo's administrative liability stems from a series of acts relating to her duties as clerk of court. However, the Court is of the view that it is the totality of these acts that constitute the charges that she is found administratively liable for, and the same could not be reasonably separated from one another. Hence, Santizo's various acts/omissions should be viewed as a single collective act insofar as Section 21 of the Rules is concerned; hence, she should be meted with a singular penalty pursuant to the second paragraph of this provision.** In this regard, the Court's annotation insofar as the second paragraph of Section 21 of the Rules is enlightening, to wit:

The second paragraph recognizes that certain acts or omissions may constitute multiple offenses. In this regard, the respondent must be pronounced liable for all such offenses, but only a singular penalty shall be imposed on him or her. This is in keeping with the notion that one act/omission must only give rise to one penalty.

To illustrate, suppose a respondent's singular act constitutes two (2) distinct offenses, namely: (1) gross misconduct, which is a serious charge; and (2) unauthorized practice of law, which is a less serious charge. In this instance, the Supreme Court shall pronounce his administrative liability for both offenses, but shall only impose the penalty for gross misconduct, as it is the graver offense.

Since Santizo is found administratively liable for four (4) serious charges and one (1) less serious charge, namely, Gross Misconduct, Serious Dishonesty, Gross Neglect of Duty, Commission of a Crime Involving Moral Turpitude, and Violation of Supreme Court Rules, Directives, and Circulars that Establish an Internal Policy, Rule of Procedure or Protocol, respectively, then she should be meted with the penalty for a serious charge as provided under Section 17 (1) of the Rules[.] (Emphasis supplied)

Applying this interpretation, the Court, in *Larena*, treated the four (4) instances of the respondent lawyer's failure to file pleadings on behalf of his client as one (1) a collective act amounting to one count of Gross Negligence in the Performance of Duty. The Court ruled:

By analogy, the Court finds the case of *Banzuela-Didulo v. Santizo* to be instructive whereby the Court applied Section 21 of Rule 140 of the Rules of Court, as amended which mirrors Section 40 of the CPRA on the

<sup>49</sup> Entitled "FURTHER AMENDMENTS TO RULE 140 OF THE RULES OF COURT." Approved: February 22, 2022.



imposition of penalty for multiple offenses arising for a single act/omission.

In *Santizo*, the Court noted that respondent's administrative liability stemmed from a series of acts relating to her duties as clerk of court which could not be reasonably separated from one another. Thus, the Court treated respondent's various acts/omissions therein as a single collective act for purposes of imposing the proper penalty.

In the present case, respondent is guilty of four (4) counts of gross and inexcusable negligence in performing his duties when he failed to file the following pleadings on behalf of his client Larena: (1) Position Paper with the MeTC; (2) Memorandum of Appeal with the RTC; (3) Motion for reconsideration of the RTC decision; and (4) Petition for review with the CA despite manifesting that he would do so. **Notably, these offenses were committed in connection with his handling of the case for his client, Larena and could not be reasonably separated from one another. Thus, applying Section 40, paragraph 2 of the CPRA, they should be treated as a single collective act and Atty. Urbina is meted with the appropriate penalty for the most serious offense.** (Emphasis supplied)

In light of the foregoing, the Court finds Atty. Acosta guilty of one (1) count of Grossly Undignified Conduct Prejudicial to the Administration of Justice. To recall, Atty. Acosta is being held accountable for the following acts: (a) making offensive statements and innuendos against the Court; (b) launching public campaign, using public attorneys and the PAO's staff and clients, against Section 22, Canon III of the CPRA; (c) publicizing the contents of the PAO's letters to Chief Justice Gesmundo requesting the deletion of Section 22, Canon III of the CPRA; and (d) issuing the Office Order, which instigated disobedience to Section 22, Canon III of the CPRA. Notably, these acts were motivated by Atty. Acosta's stubborn stance against Section 22, Canon III of the CPRA and thus cannot be reasonably separated from one another. These acts should therefore be considered as a collective act constituting a single offense.

Section 38, Canon VI of the CPRA enumerates the modifying circumstances that the Court may take into account in imposing penalties on erring lawyers:

**SECTION 38. *Modifying Circumstances.*** — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(a) Mitigating circumstances:

- (1) **First offense, except in charges of gross misconduct, bribery or corruption, grossly immoral conduct, misappropriating a client's funds or properties, sexual abuse, and sale, distribution, possession and/or use of illegal drugs or substances;**
- (2) Absence of bad faith or malice;
- (3) Return of the amounts owed;



- (4) **Expression of remorse;**
- (5) Reconciliation with the complainant;
- (6) **Rectification of wrongdoing;**
- (7) Act or omission did not prejudice the client;
- (8) Age;
- (9) Number of years in the practice of law;
- (10) Humanitarian considerations; and
- (11) Other analogous circumstances.

(b) Aggravating Circumstances:

- (1) Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity;
- (2) Age;
- (3) **Number of years in the practice of law;**
- (4) Employment of fraudulent means to conceal the offense;
- (5) **Respondent's act or omission was tainted with bad faith or malice**, except when it is an element of the offense;
- (6) Lack of remorse;
- (7) Failure to comply with the orders of the Court and the IBP in relation to an administrative case; and
- (8) **Other analogous circumstances.** (Emphasis supplied)

Here, Atty. Acosta acknowledged her wrongdoings, expressed remorse, and publicly apologized for her infractions. Moreover, she has deleted the offending public posts on her Facebook page and amended the Office Order to direct strict compliance with Section 22, Canon III without any qualifications. The Court also considers the fact that this is Atty. Acosta's first infraction, at least, on record.

Nevertheless, as Associate Justice Caguioa submitted during the deliberations in this case, the decades that Atty. Acosta have spent as a member of the bar must be taken against her. Moreover, it is apparent that the offending acts for which she is being held liable, particularly her insinuation that the Court intended to destroy the tranquility and credibility of the legal system, was tainted with bad faith and malice. As someone who has been in the public service for more than 22 years, Atty. Acosta should have known better than to impute baseless accusations against the Court, especially on social media, where the potential audience is vast and unrestricted.

Moreover, Atty. Acosta's issuance of the Office Order after the Court had already issued the first show cause order amounts to a circumstance analogous to the aggravating circumstance of failure to comply with the order of the Court. As pointed out during the deliberations, the Office Order could only be best described as teeming with passive-aggressiveness.

Section 39, Canon VI of the CPRA provides that if there are both aggravating and mitigating circumstances present, the Court may offset each other. Thus, the mitigating circumstances in this case are offset by the



aggravating circumstances.

Considering the foregoing, the Court finds it proper to impose against Atty. Acosta the penalty of fine in the amount of PHP 150,000.00 for Grossly Undignified Conduct Prejudicial to the Administration of Justice, with a stern warning that a repetition of any of the infractions attributed to her in this case, or any similar act, shall merit a more severe penalty.

As a final note, the Court deems it imperative to reiterate its disquisition in *Re: Republic v. Sereno*:<sup>50</sup>

At this point, this Court leaves an essential reminder to members of the Bar and the Bench alike: all lawyers should take heed that they are licensed officers of the courts who are mandated to maintain the dignity of the legal profession and the integrity of the judicial institution to which they owe fidelity according to the oath they have taken, hence, they must conduct themselves honorably and fairly in all circumstances. **It is one thing to show courage and another to display arrogance; it is one thing to demonstrate passion and another to exude heedless overzealousness. To be clear, this Court is not undermining the right of lawyers, as officers of the court and as citizens, to criticize the acts of courts and judges, as well as discuss issues of transcendental importance. However, they should be circumspect of [sic] their actions and statements, thus such criticisms and discussions should only be done in a proper and legally-accepted manner. The use of unnecessary language and means is proscribed if we are to promote high esteem in the courts and trust in judicial administration.**<sup>51</sup> (Emphasis supplied, citations omitted)

**ACCORDINGLY**, the Court finds respondent Atty. Persida V. Rueda-Acosta **GUILTY** of indirect contempt of court and orders her to pay a **FINE** of PHP 30,000.00.

Moreover, Atty. Persida V. Rueda-Acosta is found **GUILTY** of Grossly Undignified Conduct Prejudicial to the Administration of Justice. Accordingly, she is ordered to pay a **FINE** in the amount of PHP 150,000.00, with a **STERN WARNING** that a repetition of the same or similar offenses shall be dealt with more severely.

Let copies of this Decision be furnished to the Office of the Bar Confidant, to be appended to the personal record of respondent Atty. Persida V. Rueda-Acosta, to the Integrated Bar of the Philippines, and to the Office of the Court Administrator for dissemination to all courts throughout the country for their guidance and information.

<sup>50</sup> 836 Phil. 166 (2018) [Per J. Tijam, *En Banc*].

<sup>51</sup> *Id.* at 198.




**SO ORDERED.**



**MARIA FILOMENA D. SINGH**  
Associate Justice

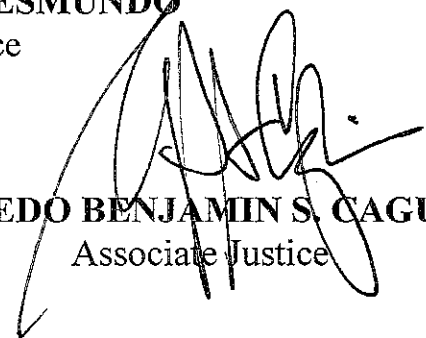
WE CONCUR:



**ALEXANDER G. GESMUNDO**  
Chief Justice



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



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



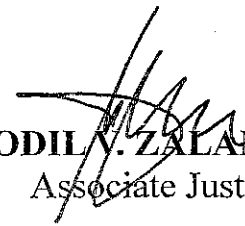
**RAMON PAUL L. HERNANDO**  
Associate Justice



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




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



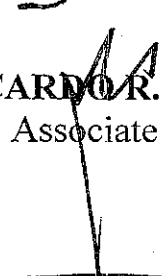
**RODIL V. ZALAMEDA**  
Associate Justice




**MARIO V. LOPEZ**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice




**RICARDO R. ROSARIO**  
Associate Justice



**JHOSEP LOPEZ**  
Associate Justice



**JAPAR B. DIMAAMPAO**  
Associate Justice



**JOSE MIDAS P. MARQUEZ**  
Associate Justice



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

