



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ATTY. RANDY SERRANO,
Complainant,

A.C. No. 10985

Present:

- versus -

LEONEN, *SAJ*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J.,
KHO, JR., *JJ*.

ATTY. ROSE BEATRIX
CRUZ-ANGELES and ATTY.
GEORGE AHMED G.
PAGLINAWAN,
Respondents.

Promulgated:

JUL 29 2024

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DECISION

LAZARO-JAVIER, *J.*:

The Court resolves the Administrative Complaint for violations of the Code of Professional Responsibility and Accountability against respondents Atty. Rose Beatrix Cruz-Angeles (Atty. Cruz-Angeles), and Atty. George Ahmed G. Paglinawan (Atty. Paglinawan; collectively referred to as respondents).

Antecedents

In his Complaint-Affidavit¹ dated November 5, 2015, Atty. Randy Serrano (complainant) essentially averred:

When Felix Nathaniel “Angel” Manalo and Lolita “Lottie” M. Hemedez were expelled from the membership of the Iglesia ni Cristo (INC), Isaias “Jun” T. Samson, Jr. (Samson), a suspended minister of the INC, held

¹ Rollo, pp. 1–26.

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a press conference and accused several church officials of detaining him. As a result, the INC expelled Samson from its church and initiated a libel suit against him.²

On August 10, 2015, Atty. Cruz-Angeles posted on her Facebook page that she and Atty. Paglinawan were representing Samson. The said post likewise narrated Samson's version of events in relation to his detention:³

I am pleased to announce that I, together with Atty. G. Ahmed G. Paglinawan are [sic] representing Mr. Isaias Samson.

Mr. Samson has recently gained attention as one of the ministers illegally detained by persons identified with the Iglesia ni Cristo (INC's) Sanggunian. He was detained for questioning the suspicion [sic] transactions of several members of the said body and recently had made these questions public. As a result of this, he and his family were detained and later expelled from the Church

He escaped from the clutches of his captors on 23 July 2015, after being detained for over a week.

Our representation covers the handling of his cases both as respondent and as complainant. His statements will be released through the undersigned.

On August 25, 2015, Samson filed a complaint with the Department of Justice against INC church officials (Criminal Case). Atty. Cruz-Angeles assisted Samson and brought reporters from ABS-CBN to cover the event.⁴

A few days later, Atty. Paglinawan posted the following regarding the Criminal Case on a Facebook account:⁵

It is now but inevitable. [F]or the unusually weird-minded members of INC's Sanggunian to seriously plan their exits out of the country[.]

Do we allow them to leave the Philippines just like that?

My answer is:

HELL NO!

Let us gather round the fire, people.

Or their houses, for that matter?

² *Id.* at 328.

³ *Id.* at 27.

⁴ *Id.*

⁵ *Id.* at 40.

Atty. Cruz-Angeles posted again on August 31, 2015 an open letter addressed to former President Benigno Aquino III and former Senator Mar Roxas regarding the Criminal Case, *viz.*:⁶

There are two things you need to do, sirs, speaking as part of the body you call your bosses. First is to be transparent with your agreement, [t]ell us whether or not you've sold our client down the river or tell us if you haven't. But you need to disclose this to us. A criminal case is not a political pawn. The law provides that it cannot be compromised. The president can grant pardons and issue clemency and amnesty. But you do NOT have the power to refuse prosecution.

Second, you must guarantee our client a fair hearing at preliminary investigation. The fear now is that given the so-called agreement finding of "no probable cause" to make this nightmare go away for the INC's Sanggunian is a very real possibility, [a]nd your silence is not helping. . . .

Thereafter, on various dates, multiple other posts were made on the Facebook account of Atty. Cruz-Angeles.⁷

On October 20, 2015, Atty. Cruz-Angeles filed a petition for the issuance of a writ of *habeas corpus* and *amparo* before this Court against Bro. Eduardo V. Manalo and other top officials of the INC for the release of Lowell R. Manorca II. Allegedly, this was done to paint an evil picture of the church officials of the INC despite the contradictions in the petition. This Court issued a writ of *amparo* on October 23, 2015.⁸

Report and Recommendation of the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-Commission on Bar Discipline)

In its Report and Recommendation⁹ dated January 17, 2023, the IBP Commission on Bar Discipline recommended the suspension of Atty. Cruz-Angeles for six months for violating Canon 13, Rule 13.02 of the Code of Professional Responsibility (CPR) and one month for violating Canon 8, Rule 8.01 of the CPR. On the other hand, the IBP Commission on Bar Discipline recommended that Atty. Paglinawan be admonished.

Report and Recommendation of the IBP Board of Governors

⁶ *Id.* at 41.

⁷ *Id.* at 98–107.

⁸ *Id.* at 390.

⁹ *Id.* at 383–399.



By Resolution¹⁰ dated April 14, 2023, the IBP Board of Governors reversed and dismissed the complaint. The IBP Board of Governors however, imposed a fine of PHP15,000.00 each on Atty. Cruz-Angeles and Atty. Paglinawan respectively, for their failure to obey the directives of the investigating commissioner.

Ruling

The Court resolves to adopt and approve in full the Resolution dated April 14, 2023 of the IBP Board of Governors.

In its Extended Resolution¹¹ dated April 14, 2023, the IBP Board of Governors ruled that the complaint and its submissions are bereft of any evidence on the ownership of respondents of the Facebook accounts where the subject statements were posted. Thus, complainant failed to fulfill his burden of proof to establish his allegations against respondents by substantial evidence. Nonetheless, even assuming that the ownership of the subject accounts was proven, the statements made therein were within the sphere of the constitutional protection of freedom of expression.

We agree.

First off, it is true that complainant was unable to prove, by substantial evidence, that the subject statements were made from the Facebook accounts owned by respondents.

As ordained in *Tan v. Alvarico*¹² an attorney enjoys the legal presumption that he or she is innocent of the charges against him or her until the contrary is proved. As a result, the burden of proof is on the complainant to establish the allegations of his or her complaint, viz.:

An attorney enjoys the legal presumption that he [or she] is innocent of the charges against him until the contrary is proved, and that as an officer of the Court, he [or she] is presumed to have performed his [or her] duties in accordance with his [or her] oath. In disbarment proceedings, the quantum of proof is substantial evidence and the burden of proof is on the complainant to establish the allegations in his [or her] complaint.

Here, the charges against respondents principally rest on the publication of the subject Facebook posts by certain accounts which were ostensibly

¹⁰ *Id.* at 345–347.

¹¹ *Id.* at 345–347.

¹² 888 Phil. 345, 355 (2020) [Per C.J. Peralta, First Division].

associated with respondents. More, the complaint alleged that respondents leaked an unsigned copy of the Complaint-Affidavit of their client, Samson. To penalize respondents, therefore, the case must initially dwell on the ownership and participation of respondents *vis-à-vis* the accounts and the posts in question.

In *Philcomsat Holdings Corp. v. Lokin, Jr.*,¹³ the Court decreed that the authenticity and due execution of documentary evidence, which is the primary basis of the subject complaint therein, must first be proven as a condition *sine qua non* to further proving the participation of the respondent in the execution of documentary evidence thus:

In essence, resolving the issue of whether Atty. Lokin should be meted with the proper disciplinary sanctions as a member of the legal profession boils down to an inquiry into the authenticity and due execution of the contentious Secretary's Certificate, the basis of the administrative charge herein. Otherwise stated, all evidence submitted to prove the existence of the loan contracted by Araneta from the Bank on September 1, 2005 or any damage caused to PHC and its shareholders as a result of the alleged improper assignment of corporate funds **become inutile should Atty. Lokin's participation in the matter (i.e., the authenticity of the Secretary's Certificate) not be proven.**

It is well-settled in our jurisdiction that the act of notarization by a notary public converts a private document into a public document, making it admissible in evidence without further proof of its authenticity. By law, a notarial document is entitled to full faith and credit upon its face. As such, "[i]t enjoys the presumption of regularity and is a *prima facie* evidence of the facts stated therein — which may only be overcome by evidence that is clear, convincing and more than merely preponderant." Similarly, forgery cannot be presumed and must be proved, as well, by clear, positive, and convincing evidence.

Notwithstanding the above, we are not unmindful of the principle that disciplinary proceedings against lawyers are *sui generis*, in that they are neither civil or criminal actions but rather investigations by the Court into the conduct of its officers. "[A]lthough these proceedings are not, in the strict sense, ordinary actions where trials are held and the rules of procedure apply, the rules of Court on evidence cannot be shunted aside considering that the exercise of one's profession is at stake." This principle finds particular importance in cases where the motive of the complainant in instituting the charges is not beyond suspicion. Considering the amount of administrative cases filed against Lokin by numerous persons affiliated with PHC in whatever capacity — particularly those associated with the group of Bildner and Jose Ma. Ozamiz, who represents PHC in the present Petition for Review — this Court simply cannot set aside Atty. Lokin's

¹³ A.C. No. 9092, July 4, 2013 [Notice, First Division].

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allegation that the complaint was instituted as a form of harassment.
(Emphasis supplied)

In *Fortun v. Quinsayas*,¹⁴ the Court ruled that before sanctions may be imposed on a lawyer, there must be proof of his or her participation in any alleged posting or publication subject of the complaint, thus:

Respondents De Jesus, Hulog, Batario, Mangahas, and Atty. Quinsayas alleged that petitioner was not able to establish the posting and publication of the articles about the disbarment complaint, and that assuming the posting and publication had been established, petitioner failed to support his allegation that they actively disseminated the details of the disbarment complaint. They further alleged that they did not cause the publication of the news articles and thus, they did not violate the rule on privacy and confidentiality of disbarment proceedings.

Indeed, petitioner failed to prove that, except for Atty. Quinsayas, the other respondents, namely De Jesus, Hulog, Batario, Mangahas, and even Gozo, who did not file his separate comment, had a hand in the dissemination and publication of the disbarment complaint against him. It would appear that only Atty. Quinsayas was responsible for the distribution of copies of the disbarment complaint. In its Comment, GMA Network stated that the publication **“had already been done and completed when copies of the complaint for disbarment were distributed by one of the disbarment complainants, Atty. Prima Quinsayas . . .”** Dedace also stated in her Comment that **“Atty. Quinsayas gave copies of the disbarment complaint against Atty. Fortun and she received one[.]”** (Emphasis supplied)

In fine, it is not sufficient to allege that a publication appears to have come from a respondent in a given administrative case. There must be proof of respondents’ participation in the said publication as a condition *sine qua non* to the imposition of any sanctions on said respondent.

Here, we reiterate that the complaint is absolutely bereft of any evidence proving the ownership of respondents of the accounts in question. Hence, respondents’ alleged participation in the acts complained of, relative to the improper use of these accounts, cannot be peremptorily assumed.

Another. While the primary documentary exhibits here pertain to Facebook posts which are ostensibly associated with respondents, they are still considered documentary evidence. As such, their authenticity and due execution must still be proven to be able to establish respondents’ supposed participation in the acts complained of.

¹⁴ 703 Phil. 578, 599 (2013) [Per J. Carpio, Second Division].

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Indeed, screenshots of Facebook posts, such as the ones presented in this case, have been considered as documentary evidence.¹⁵ Under Rule 130, Section 2 of the Rules of Court, documentary evidence consists of writing and photographs, among others:

Section 2. Documentary evidence. - Documents as evidence consist of writings, recordings, photographs or any material containing letters, words, sounds, numbers, figures, symbols, or their equivalent, or other modes of written expression offered as proof of their contents. Photographs include still pictures, drawings, stored images, x-ray films, motion pictures or videos.

Further, since Facebook posts are electronic evidence, Rule 3, Section 1 and Rule 4, Section 1 of the Rules on Electronic Evidence states that these screenshots are functional equivalents of paper-based documents and its printouts are considered as originals:

RULE 3: ELECTRONIC DOCUMENTS

Section 1. Electronic documents as functional equivalent of paper-based documents. - Whenever a rule of evidence refers to the term of writing, document, record, instrument, memorandum or any other form of writing, such term shall be deemed to include an electronic document as defined in these Rules.

....

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But again, electronic evidence such as screenshots are not absolved from showing proof of authenticity and due execution. In fact, Rule 5, Sections 1 and 2 of the Rules on Electronic Evidence provides for the method of proving the authenticity of electronic documents and casts the burden of proof on the person seeking to introduce them as evidence, *viz.*:

¹⁵ See *Lao v. Causing*, A.C. No. 13453, October 4, 2022 [*Per Curiam, En Banc*].

Section 1. Burden of proving authenticity. – The person seeking to introduce an electronic document in any legal proceeding has the burden of proving its authenticity in the manner provided in this Rule.

Section 2. Manner of authentication. – Before any private electronic document offered as authentic is received in evidence, its authenticity must be proved by any of the following means:

(a) by evidence that it had been digitally signed by the person purported to have signed the same;

(b) by evidence that other appropriate security procedures or devices as may be authorized by the Supreme Court or by law for authentication of electronic documents were applied to the document; or

(c) by other evidence showing its integrity and reliability to the satisfaction of the judge.

As it was, none of these proofs were even alleged, much less, presented in the complaint or its attachments.

But even assuming that the Facebook accounts were truly owned by respondents, we agree with the IBP Board of Governors that the subject posts fall within the constitutional protection of freedom of expression.

First, the subject statements or utterances can be segregated into three categories: (a) posts regarding pending cases; (b) criticism against government officials; and (c) statements made in pleadings.

In *Belo-Henares v. Guevarra*,¹⁶ the Court laid down the general standard for a proper invocation of freedom of expression as a defense in administrative cases:

Time and again, it has been held that the freedom of speech and of expression, like all constitutional freedoms, is not absolute. While the freedom of expression and the right of speech and of the press are among the most zealously protected rights in the Constitution, every person exercising them, as the Civil Code stresses, is obliged to act with justice, give everyone his due, and observe honesty and good faith. As such, the constitutional right of freedom of expression may not be availed of to broadcast lies or half-truths, insult others, destroy their name or reputation or bring them into disrepute.

¹⁶ 801 Phil. 570, 586–587 (2016) [Per J. Perlas-Bernabe, First Division].

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As for the first category of statements, in the landmark case of *Cabansag v. Fernandez*,¹⁷ way back in 1957, the Court ruled that a public utterance or publication should not be denied the constitutional protection of freedom of speech and press merely because it concerned a judicial proceeding still pending in the courts:

Thus, speaking of the extent and scope of the application of this rule, the Supreme Court of the United States said "Clear and present danger of substantive evils as a result of indiscriminate publications regarding judicial proceedings justifies an impairment of the constitutional right of freedom of speech and press only if the evils are extremely serious and the degree of imminence extremely high. . . . **A public utterance or publication is not to be denied the constitutional protection of freedom of speech and press merely because it concerns a judicial proceeding still pending in the courts, upon the theory that in such a case it must necessarily tend to obstruct the orderly and fair administration of justice.** . . . The possibility of engendering disrespect for the judiciary as a result of the published criticism of a judge is not such a substantive evil as will justify impairment of the constitutional right of freedom of speech and press." (*Bridges vs. California*, 314 U.S. 252, syllabi) (Emphasis supplied)

More so where the posts, as in this case, do not appear to be a prejudicial publication in relation to the pending cases as there is no allegation that it caused undue influence on any of the judges who were made to decide the cases. As enunciated in *Larranaga v. Court of Appeals*:¹⁸

Nonetheless, even if the Court had jurisdiction over the issue, petitioner's motion should still be denied because it failed to allege and prove that the City Prosecutor of Cebu has been actually affected by the publicity. We held in *Webb v. De Leon*:

Be that as it may, we recognize that pervasive and prejudicial publicity under certain circumstances can deprive an accused of his due process right to fair trial. Thus, in *Martelino, et al. vs. Alejandro, et al.*, we held that to warrant a finding of prejudicial publicity there must be allegation and proof that the judges have been unduly influenced, not simply that they might be, by the barrage of publicity.

As for the second category of statements, it is well-settled that criticisms against government officials are protected unless they are false, malicious, or unrelated to a public officer's performance of his duties or irrelevant to matters of public interest involving public figures. As pronounced in *Fermin v. People*:¹⁹

¹⁷ 102 Phil. 152, 161–162 (1957) [Per J. Bautista Angelo, First Division].

¹⁸ 351 Phil. 75, 91 (1998) [Per J. Puno Second Division].

¹⁹ 573 Phil. 278, 297 (2008) [Per J. Nachura, Third Division].

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Neither can petitioner take refuge in the constitutional guarantee of freedom of speech and of the press. Although a wide latitude is given to critical utterances made against public officials in the performance of their official duties, or against public figures on matters of public interest, such criticism does not automatically fall within the ambit of constitutionally protected speech. If the utterances are false, malicious or unrelated to a public officer's performance of his duties or irrelevant to matters of public interest involving public figures, the same may give rise to criminal and civil liability. While complainants are considered public figures for being personalities in the entertainment business, media people, including gossip and intrigue writers and commentators such as petitioner, do not have the unbridled license to malign their honor and dignity by indiscriminately airing fabricated and malicious comments, whether in broadcast media or in print, about their personal lives.

Here, the open letter of Atty. Cruz-Angeles to then President Benigno Aquino III, Senator Mar Roxas, and Secretary Leila de Lima appear to be mere pleas to secure the fairness of the hearings involving the cases of Samson. The letter does not appear to be false, much less, unrelated to the functions of the foregoing public officials.

Finally, as for the third category of statements, there is no question that pleadings are absolutely privileged as long as they are relevant to the issues raised for judicial resolution.²⁰ As admitted by complainant, the petition for issuance of a writ of *habeas corpus* and *amparo* on behalf of Samson was granted by the Court on October 23, 2015. Being relevant to the issues raised in the said petition, the factual allegations in the said petition are absolutely privileged.

Hence, respondents must be exonerated. It is clear from the foregoing that the subject statements are protected by freedom of speech. The subject statements were uttered in respondents' defense of their own client either in a proper judicial proceeding, and were thus absolutely privileged, or in public and in valid criticism of government officials.

Complainant has not proven that the utterances fall under any of the accepted exceptions to the protection of the freedom of speech as he has not proven that they were in any way false, malicious, or unrelated to a public officer's performance of his or her duties or irrelevant to matters of public interest involving public figures. Too, complainant has likewise been unable to prove that the publication was prejudicial in relation to the pending cases as there is no allegation that it caused undue influence on any of the judges who were made to decide the cases.

²⁰ *Tiongeo v. Deguma*, 375 Phil. 978, 995–996 (1999) [Per C.J. Davide, Jr., First Division].

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Going now to respondents' failure to comply with the directives of the investigating commissioner to: (a) file an answer; (b) attend preliminary conference; and (c) submit a conference brief and position, the Court likewise adopts and approves the recommendation of the IBP Board of Governors to impose a fine of PHP 15,000.00 on each of herein respondents. Notably, a similar penalty was imposed in the case of *Toledo v. Carlos*,²¹ for respondents' failure therein to comply with the directive to submit a position paper to the investigating commissioner after due notice.

ACCORDINGLY, the Administrative Complaint against respondents **ATTY. ROSE BEATRIX CRUZ-ANGELES**, and **ATTY. GEORGE AHMED G. PAGLINAWAN** is **DISMISSED** for lack of merit.

Respondents **ATTY. ROSE BEATRIX CRUZ-ANGELES** and **ATTY. GEORGE AHMED G. PAGLINAWAN** are each **ORDERED** to pay a **FINE** of PHP15,000.00 for failure to comply with the directives of the investigating commissioner to: (a) file an answer; (b) attend preliminary conference; and (c) submit a conference brief and position, with **STERN WARNING** that a repetition of the same or similar act or any further infraction shall be dealt with more severely.

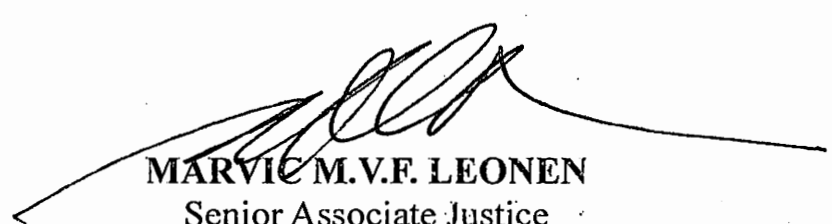
Let copy of this Decision be furnished the Office of the Bar Confidant to be appended to the personal records of **ATTY. ROSE BEATRIX CRUZ-ANGELES**, and **ATTY. GEORGE AHMED G. PAGLINAWAN**, and the Integrated Bar of the Philippines for its information and guidance.

SO ORDERED.



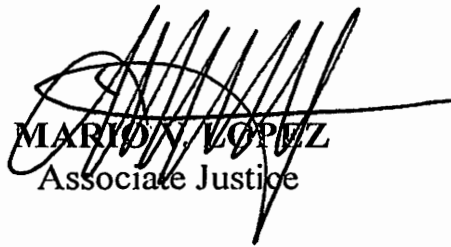
AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

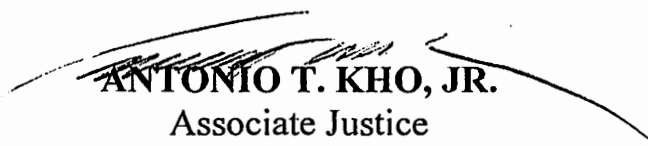
²¹ A.C. No. 13379, July 25, 2022 [Notice, Third Division].



MARIO V. LOPEZ
Associate Justice



JHOSEP V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice