



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

CAROLINA BAUTISTA- A.C. No. 13752
PANGILINAN, represented by [Formerly CBD Case No. 18-
MIRIAM B. BUSTAMANTE, 5596]
Complainant,

Present:

- versus -

ATTY. ENGRACIO M. ICASIANO,
Respondent.

GESMUNDO, C.J., Chairperson
HERNANDO,
ZALAMEDA,*
ROSARIO, and
MARQUEZ,** JJ.

Promulgated:

AUG 06 2025

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DECISION

ROSARIO, J.:

For resolution of the Court is a Complaint¹ (Complaint) for disbarment filed by complainant Carolina Bautista-Pangilinan (Pangilinan) against respondent Atty. Engracio M. Icasiano (Atty. Icasiano) for violation of the Code of Professional Responsibility.²

Antecedents

Atty. Icasiano is being charged for forum shopping and for engaging in illegal land grabbing.³

* On official business.

** On official business.

¹ *Rollo*, pp. 2-6.

² *Id.* at 4.

³ *Id.* at 5.

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This administrative case emanated from a Complaint for Ejectment with Damages,⁴ titled “*Carolina Bautista Pangilinan, represented by her Attorney-in-fact Miriam Bautista Bustamante v. Vivian Sanchez*,” docketed as Civil Case No. 10-39977,⁵ and raffled to Branch 35 of the Metropolitan Trial Court (MeTC) of Quezon City. The case involves a property registered in the name of Pangilinan, covered by Transfer Certificate of Title No. 125621. The adverse party therein, Vivian Sanchez (Sanchez), was assisted by Atty. Icasiano.

Pangilinan alleged that on May 8, 2013, a Decision⁶ (MeTC Decision) was rendered in her favor, and Sanchez was ordered to vacate the subject property. A Writ of Execution⁷ was issued on November 21, 2013.⁸

On February 14, 2014, Sanchez, through Atty. Icasiano, filed a Petition on *Certiorari* and Prohibition,⁹ docketed as Civil Case No. R-QZN-14-01503-CV (First Petition) and raffled to Branch 84 of the Regional Trial Court (RTC) of Quezon City. Atty. Icasiano thereafter filed a Motion for Inhibition¹⁰ against the Presiding Judge of RTC Branch 84, which the RTC granted in a Resolution.¹¹ The case was re-raffled to RTC Branch 93. In a Decision,¹² the RTC dismissed Sanchez’s petition.¹³

On January 28, 2015, while Sanchez’s petition before RTC Branch 93 was pending, Pangilinan filed a Motion to Implement Writ of Execution.¹⁴ The MeTC issued a May 5, 2015 Order,¹⁵ granting Pangilinan’s Motion to Implement Writ of Execution.¹⁶

Pangilinan thereafter discovered that Sanchez, through Atty. Icasiano, filed another Petition for *Certiorari*, Prohibition and *Mandamus*,¹⁷ docketed as Civil Case No. R-QZN-15-06347-CV (Second Petition) and raffled to RTC Branch 88. The Second Petition was re-raffled to RTC Branch 105 due to the voluntary inhibition by the presiding judge of RTC Branch 88. The Second Petition was dismissed in a November 17, 2016 Decision.¹⁸

⁴ *Id.* at 106–110.

⁵ Civil Case No. 35-09-39977 and Civil Case No. 35-39977 in some parts of the record.

⁶ *Rollo*, pp. 11–17. The May 8, 2013 Decision in Civil Case No. 35-39977 was penned by Acting Presiding Judge Evelyn M. Pascua-Lee of Branch 35, Metropolitan Trial Court, Quezon City.

⁷ *Id.* at 18–19.

⁸ *Id.* at 19.

⁹ *Id.* at 173–206.

¹⁰ *Id.* at 24–44.

¹¹ *Id.* at 47–49. The May 19, 2014 Resolution in Civil Case No. R-QZN-14-01503-CV was penned by Presiding Judge Luisito G. Cortez of Branch 84, Regional Trial Court, Quezon City.

¹² *Id.* at 51–58. The July 15, 2015 Decision in Spec. Civil Action No. R-QZN-14-01503-CV was penned by Presiding Judge Arthur O. Malabaguio of Branch 93, Regional Trial Court, Quezon City.

¹³ *Id.* at 58.

¹⁴ See May 5, 2015 Order, *id.* at 7–10.

¹⁵ *Id.* at 7–10. The May 5, 2015 Order in Civil Case No. 35-09-39977 was penned by Acting Presiding Judge Evelyn M. Pascua-Lee of Branch 35, Metropolitan Trial Court, Quezon City.

¹⁶ *Id.* at 10.

¹⁷ *Id.* at 142–172.

¹⁸ *Id.* at 59–64. The November 17, 2016 Decision in Spec. Civil Action No. R-QZN-15-06347-CV was penned by Presiding Judge Rosa M. Samson of Branch 105, Regional Trial Court, Quezon City.

From the foregoing, Pangilinan claims that Atty. Icasiano committed forum shopping and violated the Code of Professional Responsibility.

In his Answer with Counter Charges,¹⁹ Atty. Icasiano claims that the MeTC Decision²⁰ is a void judgment since Pangilinan's representative in the civil case, Miriam Bautista Bustamante (Bustamante), did not have legal authority to represent her. He claims that the Special Power of Attorney (SPA)²¹ attached to the complaint in Civil Case No. 10-39977 is invalid; and as such, the said complaint should have been dismissed outright. Since the MeTC Decision²² should be considered a void judgment, the subsequent execution proceedings should also be considered void.²³ He also claims that Bustamante does not likewise have the right to bring the instant Complaint for lack of a Special Power of Attorney from Pangilinan.²⁴

As regards the issue of forum shopping, Atty. Icasiano claims that even if he filed the First Petition on February 14, 2014, his filing of the Second Petition on July 13, 2015 is not barred by the doctrine of forum shopping.²⁵

According to Atty. Icasiano, he filed the First Petition, assailing the November 21, 2013 Omnibus Order²⁶ issued by the MeTC. He then filed the Second Petition, assailing the May 5, 2015 Order. He avers that there is no identity between the two proceedings, and that the action in the First Petition would not amount to *res judicata* in the Second Petition. He further avers that he even prayed in the Second Petition that it be raffled/assigned to RTC Branch 93, considering that it is related to the First Petition.²⁷

*Report and Recommendation of the
Integrated Bar of the Philippines
Commission on Bar Discipline*

In her Report and Recommendation,²⁸ the IBP Commission on Bar Discipline (CBD) Investigating Commissioner recommended the dismissal of the case for lack of merit. The recommendation of the Investigating Commissioner states:

WHEREFORE, premises duly considered, that this case be dismissed for lack of merit.

¹⁹ *Id.* at 71–105.

²⁰ *Id.* at 11–17.

²¹ *Id.* at 110.

²² *Id.* at 11–17.

²³ *Id.* at 78.

²⁴ *Id.* at 81.

²⁵ *Id.* at 99–100.

²⁶ *Id.* at 175–179.

²⁷ *Id.* at 99–100.

²⁸ *Id.* at 275–278. The March 15, 2022 Report and Recommendation in CBD Case No. 18-5596 was penned by Commissioner Maria Edith A. Go-Binas of the Commission on Bar Discipline, Integrated Bar of the Philippines, Pasig City.

RESPECTFULLY SUBMITTED.²⁹

The IBP CBD Investigating Commissioner found that: (1) the allegation regarding land grabbing activities is a mere statement without proof or evidence to support it; (2) the instant complaint filed by Bustamante for complainant does not carry with it any Special Power of Attorney issued in her favor; and (3) there was no forum shopping as the MeTC Decision is a void judgment.³⁰

Resolution of the IBP Board of Governors

In Resolution No. CBD-XXV-2022-04-24³¹ passed on April 23, 2022, the IBP Board of Governors (BOG) resolved as follows:

*RESOLVED, to REVERSE, as it is hereby REVERSED, the Report and Recommendation of the Investigating Commissioner, and to recommend instead the imposition upon Respondent Atty. Engracio Icasiano of the penalty of **SUSPENSION from the practice of law for THREE (3) MONTHS**; and*

RESOLVED FURTHER, to direct the Commission on Bar Discipline to prepare an Extended Resolution explaining the recommendation of the Board of Governors in this case, which shall be appended to this resolution.³² (Emphasis in the original)

In its Extended Resolution,³³ the IBP BOG found Atty. Icasiano guilty of forum shopping. It found that the two petitions that Atty. Icasiano filed before the RTC both assailed the MeTC's grant of Pangilinan's writ of execution of the MeTC Decision, and that the Second Petition was filed while the First Petition was pending.

The IBP BOG also noted that Atty. Icasiano was found guilty of forum shopping in the November 17, 2016 RTC Decision.³⁴ Since the records do not show that the November 17, 2016 RTC Decision³⁵ was appealed, the finding of forum shopping stands. Even if there is no intent to commit forum shopping, the records would prove that Atty. Icasiano committed abuse of proceedings.

²⁹ *Id.* at 278.

³⁰ *Id.* at 275–278.

³¹ *Id.* at 273–274. See Notice of the April 23, 2022 Resolution in CBD Case No. 18-5596, signed by National Secretary Doroteo Lorenzo B. Aguila of the Board of Governors, Integrated Bar of the Philippines, Pasig City.

³² *Id.* at 273.

³³ *Id.* at 279–281. The January 9, 2023 Extended Resolution was issued by Deputy Director Kristinne Chrystelles S. Biarez of the Commission on Bar Discipline, Integrated Bar of the Philippines, Pasig City.

³⁴ *Id.* at 59–64.

³⁵ *Id.*

The Court's Ruling

After a judicious review of the records, the Court agrees with the findings of the IBP BOG, except as to the recommended penalty.

We agree that respondent committed forum shopping.

Forum shopping is the repetitive availment of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court.³⁶

The ultimate standard in the determination of forum shopping is the vexation caused the courts and parties-litigants by a party who asks different courts and/or administrative agencies to rule on the same or related causes and/or grant the same or substantially the same reliefs, in the process creating the possibility of conflicting decisions being rendered by the different fora upon the same issues.³⁷

It is undisputed that respondent filed two separate but similar petitions for *certiorari*³⁸ questioning two orders of Acting Presiding Judge Evelyn M. Pascua-Lee (Judge Pascua-Lee) in Civil Case No. 35-09-39977,³⁹ November 21, 2013 Omnibus Order⁴⁰ and May 5, 2015 Order,⁴¹ both of which granted the motions for execution filed by complainant, Carolina Bautista-Pangilinan.

Although respondent questioned two separate orders and his client disclosed the filing of the First Petition in her Verification and Certification,⁴² he and his client still sought the same relief in the Second Petition: (1) to maintain the *status quo* of his client's possession of the disputed property; (2) to prohibit the implementation of the writs of execution issued by the Metropolitan Trial Court; and (3) to render judgment declaring Judge Pascua-Lee as having acted with grave abuse of discretion amounting to lack or excess of jurisdiction in granting the motions for execution.

It cannot therefore be denied that respondent is guilty of forum shopping.

³⁶ *Coca-Cola FEMSA Philippines, Inc. v. Coca-Cola FEMSA Phils.*, 915 Phil. 655, 661 (2021) [Per J. Gaerlan, Second Division].

³⁷ *Id.* at 662.

³⁸ *Rollo*, pp. 142–172, 173–206.

³⁹ Civil Case No. 35-39977 or Civil Case No. 10-39977 in some parts of the record.

⁴⁰ *See rollo*, pp. 175–179.

⁴¹ *Id.* at 7–10.

⁴² *Id.* at 170.

In its November 17, 2016 Decision,⁴³ even RTC Branch 105, where the Second Petition was raffled to, declared Sanchez guilty of forum shopping:

Finally, the petitioners are guilty of forum shopping by resorting to this petition despite the admission that they had previously filed a similar and earlier petition of the same nature before the RTC, Branch 93 which was dismissed (per Decision dated 15 July 2015) on the ground of lack of merit.⁴⁴

The records do not show that the November 17, 2016 Decision of RTC Branch 105 was appealed. We thus agree with the IBP BOG's conclusion that the RTC's finding of forum shopping stands.

Canon II, Section 23 of the Code of Professional Responsibility and Accountability (CPRA)⁴⁵ explicitly provides that a lawyer shall not commit forum shopping:

CANON II PROPRIETY

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

.....

SECTION 23. *Instituting multiple cases; forum shopping.* – A lawyer shall not knowingly engage or through gross negligence in forum shopping, which offends against the administration of justice, and is a falsehood foisted upon the court, tribunal, or other government agency.

A lawyer shall not institute or advise the client to institute multiple cases to gain leverage in a case, to harass a party, to delay the proceedings, or to increase the cost of litigation. .

Respondent also transgressed other provisions of the CPRA:

CANON I INDEPENDENCE

The independence of a lawyer in the discharge of professional duties without any improper influence, restriction, pressure, or interference, direct or indirect, ensures effective legal representation and is ultimately imperative for the rule of law.

⁴³ *Id.* at 59-64.

⁴⁴ *Id.* at 64.

⁴⁵ SC Administrative Matter No. 22-09-01-SC, May 30, 2023, Code of Professional Responsibility and Accountability.

SECTION 1. *Independent, accessible, efficient, and effective legal service.* – A lawyer shall make legal services accessible in an efficient and effective manner. In performing this duty, a lawyer shall maintain independence, act with integrity, and at all times ensure the efficient and effective delivery of justice.

CANON III FIDELITY

Fidelity pertains to a lawyer's duty to uphold the Constitution and the laws of the land, to assist in the administration of justice as an officer of the court, and to advance or defend a client's cause, with full devotion, genuine interest, and zeal in the pursuit of truth and justice.

....

SECTION 2. *The responsible and accountable lawyer.* – A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice.

As an advocate, a lawyer shall represent the client with fidelity and zeal within the bounds of the law and the CPRA.

....

SECTION 7. *Prohibition against frivolous suits and abuse of court processes.* – A lawyer shall not:

- (a) file or encourage the filing of any suit or proceeding not authorized by law or jurisprudence and without any evidentiary support;
- (b) unduly impede the execution of an order or judgment which is warranted; or
- (c) abuse court processes.

Respondent's conduct likewise transgressed recitals in the Revised Lawyer's Oath:

I shall conscientiously and courageously work for justice, as well as safeguard the rights and meaningful freedoms of all persons, identities and communities. I shall ensure greater and equitable access to justice. *I shall do no falsehood nor shall I pervert the law to unjustly favor nor prejudice anyone. I shall faith fully discharge these duties and responsibilities to the best of my ability, with integrity, and utmost civility.* I impose all these upon myself without mental reservation nor purpose of evasion. (Emphasis supplied)

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The CPRA classifies willful and deliberate forum shopping as a serious offense,⁴⁶ punishable by disbarment, suspension from the practice of law for a period exceeding six months, and/or a fine exceeding PHP 100,000.00.⁴⁷

This is not the first time that respondent was found guilty of violation of the CPR. In *Quilendrino v. Atty. Icasiano*,⁴⁸ he was meted the penalty of reprimand with a stern warning for violating Canon 8, Rule 8.01 and Canon 11, Rule 11.03 of the CPR.

In addition, respondent has not shown remorse for his actions, adamant that he did not commit forum shopping.

Pursuant to Canon VI, Section 39⁴⁹ of the CPRA, since there are two aggravating circumstances and no mitigating circumstance in this case, the Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under the CPRA.

Given the foregoing, We find the imposition of a penalty of suspension from the practice of law for one year appropriate for respondent's transgressions.

ACCORDINGLY, the Court finds respondent Atty. Engracio M. Icasiano **GUILTY** of violating Canon II, Section 23; Canon I, Section 1; Canon III, Sections 2 and 7; and the Revised Lawyer's Oath. Accordingly, the Court hereby **SUSPENDS** him from the practice of law for a period of one year, with a **STERN WARNING** that a repetition of the same or similar acts shall be dealt with more severely.

The suspension from the practice of law shall take effect immediately upon receipt of this decision by Atty. Engracio M. Icasiano. He is **DIRECTED** to immediately file a manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Decision be furnished the Office of the Bar Confidant for recording in the personal file of Atty. Engracio M. Icasiano; the Office of the Court Administrator for dissemination to all courts of the Philippines; and the Integrated Bar of the Philippines for distribution to all its chapters.

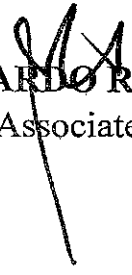
⁴⁶ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, Sec. 33(n).

⁴⁷ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, Sec. 37(a).

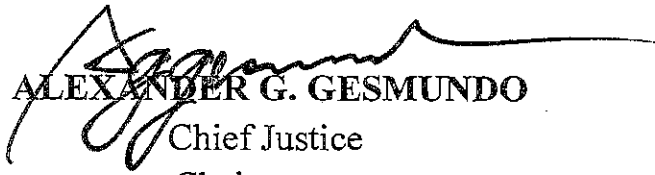
⁴⁸ A.C. No. 9332, February 27, 2019 [Notice, First Division].

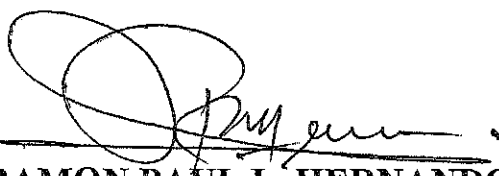
⁴⁹ Canon VI, Sec. 39. *Manner of imposition*. — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. The Supreme Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.

SO ORDERED.


RICARDO R. ROSARIO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson


RAMON PAUL L. HERNANDO
Associate Justice

On official business
RODIL V. ZALAMEDA
Associate Justice

On official business
JOSE MIDAS P. MARQUEZ
Associate Justice