

SECOND DIVISION

[A.C. No. 12121 (Formerly CBD Case No. 14-4322), June 27, 2018]

CELESTINO MALECDAN, COMPLAINANT, VS. ATTY. SIMPSON T. BALDO, RESPONDENT.

DECISION

CAGUIOA, J:

Before this Court is an administrative complaint^[1] filed with the Office of the Integrated Bar of the Philippines Baguio-Benguet Chapter (IBP Baguio-Benguet Chapter) by Complainant Celestino Malecdan (Malecdan) against Respondent Atty. Simpson T. Baldo (Atty. Baldo), for the latter's alleged violation of Section 9 of Presidential Decree 1508 (P.D. 1508), otherwise known as the *Katarungang Pambarangay* Law, which prohibits the participation of lawyers in the proceedings before the *Lupon*:

SEC. 9. Appearance of parties in person. - In all proceedings provided for herein, the parties must appear in person **without the assistance of counsel/representative**, with the exception of minors and incompetents who may be assisted by **their next of kin who are not lawyers**. (Emphasis supplied)

The Factual Antecedents

Malecdan filed a letter of complaint for *Estafa*, Breach of Contract and Damages against spouses James and Josephine Baldo, before the *Lupon* of Barangay Pico in La Trinidad, Benguet.

On August 14, 2014, Atty. Baldo appeared as counsel of spouses Baldo during the hearing on the subject complaint before the *Punong Barangay*.^[2]

On August 18, 2014, Malecdan filed a Complaint-Affidavit (Complaint) before the IBP Baguio-Benguet Chapter praying that proper sanctions be imposed on Atty. Baldo for violating Section 9 of P.D. 1508.

On August 20, 2014, the Committee on Ethics of the IBP Baguio-Benguet Chapter furnished Atty. Baldo with a copy of the complaint and set the case for a conciliation conference on September 12, 2014.^[3]

On September 15, 2014, the Complaint was endorsed to the Committee on Bar Discipline-IBP (CBD-IBP) by the Committee on Ethics of IBP Baguio-Benguet Chapter after the parties failed to agree on a settlement.^[4]

The CBD-IBP thereafter issued an Order^[5] dated September 17, 2014, requiring

Atty. Baldo to submit a duly verified Answer, within fifteen (15) days from receipt of the order.^[6]

On January 14, 2015, the CBD-IBP issued a Notice^[7] setting the mandatory conference/hearing of the subject complaint on February 18, 2015.^[8]

On February 12, 2015, Malecdan filed his Mandatory Conference Brief.^[9]

On February 23, 2015, the mandatory conference of the case was rescheduled to March 24, 2015 after Atty. Baldo failed to attend the same.^[10]

In his Answer^[11] dated February 23, 2015, Atty. Baldo admitted that he was present during the proceedings before the *Punong Barangay*. He explained that he was permitted by the parties to participate in the said hearing, to wit:

1. The allegation in the complaint is admitted. However, the rest of the truth to the matter is that, **before entering the barangay session hall, respondent asked permission from the officer-in-charge if he will be allowed that before any hearing be conducted, he and the respondent in the said barangay case, his uncle, James Baldo, be allowed to talk to complainant Celestino Malecdan as they may be able to amicably settle the matter on their own, of which the officer in charge granted on the reason that the proceeding was still in the dialogue stage;**

2. Likewise, when he entered inside the barangay session hall where complainant and his companion, Laila Alumno was waiting, **respondent again asked permission from complainant and his companion, Laila Alumno if the latter will allow the former to join them in the dialogue with James Baldo as the parties may amicably settle the case on their own;**

3. Since complainant already knew respondent as they had a previous meeting at the office of complainant's lawyer, Atty. Melissa QuitanCorpuz concerning the same case against James Baldo, complainant readily permitted and allowed that parties have a dialogue on their own with respondent joining them and without the presence of any barangay officials.^[12] (Emphasis supplied)

In an Order^[13] dated March 24, 2015, Investigating Commissioner Eduardo R. Robles gave Malecdan a period of fifteen (15) days to file a supplemental complaint where he can incorporate other facts and circumstances which he failed to indicate in his complaint. Atty. Baldo was likewise given a period of fifteen (15) days from his receipt of the supplemental complaint within which to file his supplemental answer should he wish to do so.^[14]

On March 31, 2015, Malecdan filed his Verified Supplemental Complaint Affidavit,^[15] wherein he insisted that he vehemently objected to the presence of Atty. Baldo during the proceedings before the *Punong Barangay*, to wit:

2. Using his influence as a lawyer, Atty. Baldo prevailed upon the Punong Barangay and the Barangay Secretary to let him participate in the barangay proceedings intended for the settlement of our grievance against Spouses Josephine Baldo and James Baldo on August 14, 2014.

3. He did this over my vehement objections. I told him that he was not supposed to be there but then he insisted. It even got to the point that we were already arguing out loud. **I resented the fact that he was there assisting and representing his clients, the Spouses Baldo while I was not represented by counsel. We were in a situation that Section 9 of Presidential Decree 1508 sought to prevent.**^[16]
(Emphasis supplied)

After due proceedings, Investigating Commissioner Robles rendered a Report and Recommendation^[17] on June 2, 2015, recommending that Atty. Baldo be given a warning. Commissioner Robles found that the language of the *Katarungang Pambarangay* Law is not that definite as to unqualifiedly bar lawyers from appearing before the *Lupon*, nor is the language that clear on the sanction imposable for such an appearance.^[18] Commissioner Robles reasoned that the matter of appearance or non-appearance before the *Lupon* is clearly addressed to a lawyer's taste of propriety:

x x x. The respondent ought to have known that his attendance thereat would have caused some ruckus. That respondent chose to attend is some measure of his lack of propriety.

Although this Commission cannot legislate good taste or an acute sense of propriety, the Commission can definitely remind the respondent that another act of insensitivity to the rules of good conduct will court administrative sanctions.^[19]

The dispositive portion of Commissioner Robles' Report and Recommendation reads as follows:

UPON THE FOREGOING, it is respectfully recommended that the respondent Atty. Simpson T. Baldo be given a warning.

RESPECTFULLY SUBMITTED.^[20]

On June 20, 2015, the IBP Board of Governors passed a Resolution^[21] reversing and setting aside the Report and Recommendation of the Investigating Commissioner and instead recommended that Atty. Baldo be reprimanded, thus:

RESOLVED to REVERSE as it is hereby REVERSED and SET ASIDE, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", considering Respondent's appearance as counsel for Spouses James and Josephine Baldo in a Katarungan[g] Pambarangay hearing, Thus, Respondent is hereby **REPRIMANDED**.^[22] (Emphasis in the original and italics omitted)