

EN BANC

[A.C. No. 9401, October 22, 2013]

**JOCELYN DE LEON, COMPLAINANT, VS. ATTY. TYRONE PEDREÑA,
RESPONDENT.**

D E C I S I O N

BERSAMIN, J.:

A lawyer who commits overt acts of sexual harassment against a female client is guilty of reprehensible conduct that is unbecoming of a member of the Bar, and may be condignly punished with suspension from the practice of law.

Antecedents

Jocelyn de Leon filed with the Integrated Bar of the Philippines (IBP) a complaint for disbarment or suspension from the practice of law against Atty. Tyrone Pedreña, a Public Attorney. She averred in her complaint affidavit that Atty. Pedreña had sexually harassed her as follows:

1. On January 30, 2006, at about 10:00 in the morning, I went to the Public Attorney's Office in Parañaque City, in order to inquire from ATTY. TYRONE PEDREÑA about the status of my case for support for my two minor children against my husband, which case is being handled by Atty. Pedreña;
2. At that time, said Atty. Pedreña was at a court hearing, so I waited at his office until he arrived at about 11:45 a.m. Atty. Pedreña told me to go ahead to Tita Babes Restaurant so we could take our lunch together and to talk about my said case;
3. While we were eating at the said restaurant, he asked me many personal matters rather than to discuss my said case. But still, I answered him with respect, for he was my lawyer;
4. After we took our lunch, he told me to just go back on February 1, 2006 at 10:00 a.m. because according to him, my said case was quite difficult, that he needed more time to study;
5. Since Atty. Pedreña was also already going home then, he told me then to ride with him and he would just drop me by the jeepney station;
6. Although I refused to ride with him, he persistently convinced me to get in the car, and so I acceded to his request so as not to offend him;
7. Right after we left the parking lot and not yet too far from the City

Hall, Atty. Pedreña immediately held my left hand with his right hand, insisted me to get closer with him and laid me on his shoulder;

8. I immediately responded by saying "AYOKO HO!" But he persisted in trying to get hold of my hand and he also tried very hard to inserting (sic) his finger into my firmly closed hand. Thus, I became very afraid and at the same time offended for his lack of respect for me at that moment;

9. Despite my resistance, he continued rubbing my left leg. I was then attempting to remove his hand on my leg, but he grabbed my hand and forced it to put (sic) on his penis;

10. Because I was already really afraid at that moment, I continued to wrestle and struggle, and as I saw that we were already approaching the 7-Eleven Store, the place where I was supposed to get off, Atty. Pedreña made another move of pressing his finger against my private part;

11. I thereafter tried at all cost to unlock the car's door and told him categorically that I was getting off the car. But because the traffic light was on green, he accelerated a bit more instead, but sensing my insistence to get off, he stopped the car, and allowed me to get off. He then reminded me to see him on February 1, 2006 at 10:00 a.m. for the continuation of hearing of my case;

12. That on February 1, 2006, I had to come for my case, but this time, I brought with me my five-year-old child to avoid another incident. I was not able to see Atty. Pedreña then, so I just signed some documents;^[1]

In his answer, Atty. Pedreña averred that De Leon's allegations were unsubstantiated; that entertaining such a complaint would open the gates to those who had evil desires to destroy the names of good lawyers; that the complaint was premature and should be dismissed on the ground of forum shopping because De Leon had already charged him with acts of lasciviousness in the Parañaque City Prosecutor's Office; and that he had also filed a complaint for theft against De Leon.

^[2]

Attached to Atty. Pedreña's answer were his counter-affidavit in the criminal case for acts of lasciviousness and his complaint-affidavit for theft. In his counter affidavit, Atty. Pedreña admitted giving a ride to De Leon, but he vehemently denied making sexual advances on her, insisting that she had sat very close to him during the ride that even made it hard for him to shift gears, and that the ride had lasted for only two to three minutes.^[3] He claimed that De Leon was allowing herself to be used by his detractors in the Public Attorney's Office (PAO) after he had opposed the practice of certain PAO staff members of charging indigent clients for every document that they prepared. In his complaint affidavit for theft, he stated that he had another passenger in his car at the time he gave a ride to De Leon, who did not notice the presence of the other passenger because the ride lasted for only two to three minutes; and that the other passenger was Emma Crespo, who executed her own affidavit attesting that she had witnessed De Leon's act of taking his (Pedreña)

cellphone from the handbrake box of the car.^[4]

Only De Leon appeared during the hearing.^[5] Hence, Atty. Pedreña was deemed to have waived his right to participate in the proceedings.^[6]

Thereafter, the IBP Investigating Commissioner recommended the disbarment of Atty. Pedreña and the striking off of his name from the Roll of Attorneys.^[7] Holding that a disbarment case was *sui generis* and could proceed independently of the criminal case that was based on the same facts; and that the proceedings herein need not wait until the criminal case for acts of lasciviousness brought against Atty. Pedreña was finally resolved, the IBP Investigating Commissioner found that Atty. Pedreña had made sexual advances on De Leon in violation of Rule 1.01^[8] and Rule 7.03^[9] of the *Code of Professional Responsibility*.

In its Resolution No. XVIII-2007-83 dated September 19, 2007, the IBP Board of Governors adopted and approved with modification the report and recommendation of the IBP Investigating Commissioner, and imposed upon Atty. Pedreña suspension from the practice of law for three months.^[10]

Atty. Pedreña filed a motion for reconsideration with the IBP,^[11] which adopted and approved Resolution No. XX-2012-43 dated January 15, 2012, denying the motion and affirming with modification its Resolution No. XVIII-2007-83 by increasing the period of suspension to six months.^[12]

On February 28, 2012, the IBP Board of Governors transmitted to the Court Resolution No. XX-2012-43 and the records of the case for final approval.^[13]

In the Resolution dated April 24, 2012, the Court noted the IBP Board of Governors' notice of Resolution No. XX-2012-43.^[14]

Ruling

The report and recommendation of the Investigating Commissioner stated thusly:

There is no doubt that Complainant was able to prove her case against the Respondent. During the clarificatory hearing, she was straightforward and spontaneous in answering the questions propounded on her. Her account of the incident that happened on 30 January 2006 was consistent with the matters she stated in her Complaint and Verified Position Paper.

On the other hand, Respondent's defenses are not credible enough to rebut the claims of Complainant. His defenses are replete with inconsistencies and his actuations in the entire proceedings show lack of integrity in his dealings with both the Complainant and this Commission.

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We find no merit at all in the defenses put forth by Respondent. The Theft case filed by Respondent is a mere afterthought on his part. We