

## SECOND DIVISION

[ A.C. No. 6567, August 11, 2008 ]

**JOSE C. SABERON, COMPLAINANT, VS. ATTY. FERNANDO T. LARONG, RESPONDENT.**

### R E S O L U T I O N

**CARPIO MORALES, J.:**

From this Court's Decision<sup>[1]</sup> of April 16, 2008, both complainant Jose C. Saberon and respondent Atty. Fernando T. Larong seek reconsideration.

Complainant's Motion for Reconsideration<sup>[2]</sup> asks this Court to hold respondent guilty of gross misconduct, instead of simple misconduct, for ascribing blackmail to him in pleadings filed before the *Bangko Sentral ng Pilipinas (BSP)*.

Respondent's Motion for Reconsideration,<sup>[3]</sup> while it takes no exception to the P2,000 fine imposed on him and which he has paid,<sup>[4]</sup> seeks this Court to declare that the questioned allegations that the case before the *BSP* was part of blackmailing suits against his clients for financial gain - albeit couched in intemperate language - were privileged communication.

As to complainant's Motion, his arguments therein were amply discussed and ruled upon in the Decision sought to be reconsidered. The Court thus finds no ground to set the Decision aside.

On the other hand, respondent's submission that the Answer containing the allegations of blackmail is protected by the mantle of absolute privilege was already pleaded in his Comment to Petition for Review<sup>[5]</sup> that the allegations were absolutely privileged, like allegations made in any complaint or initiatory pleading.<sup>[6]</sup> There, he also proffered, as he now maintains in his motion, the relevancy or pertinency of the questioned statements to the issues being litigated before the *BSP*.

To respondent's contentions, the Court ruled that the ascription of "blackmail" in the Answer was not legitimately related or pertinent to the subject matters of inquiry before the *BSP*, which were the alleged alien citizenship and majority stockholding of Alfredo Tan Bonpin in the Surigaonon Rural Bank. And it reminded respondent that lawyers, though allowed latitude in making a remark or comment in their pleadings, should not trench beyond the bounds of relevancy and propriety.

This Court's ruling stands whether the statements are in the nature of a counter-complaint or a counterclaim embodied in the Answer as respondent presently maintains.