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for the filing of an administrative complaint, if none has yet been filed, against Laudemer F. San Juan and other employees who may have participated in this illegal scheme.

Let a copy of this decision be attached to respondent's personnel records in this Court.

**SO ORDERED.**

*Sereno, C.J., Carpio, Velasco, Jr., Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Abad, Villarama, Jr., Reyes, Perlas-Bernabe,* and *Leonen, JJ.,* concur.

*Perez, J.,* no part. Acted on matter as Court Administrator.

*Mendoza, J.,* no part.

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**FIRST DIVISION**

[A.C. No. 8644. January 22, 2014]
(Formerly CBD Case No. 11-2908)

**AIDA R. CAMPOS, ALISTAIR R. CAMPOS, and CHARMAINE R. CAMPOS,** *complainants, vs.* **ATTY. ELISEO M. CAMPOS,** *respondent.*

**SYLLABUS**

**1. JUDICIAL ETHICS; JUDGES; AM NO. 02-9-02-SC; AUTOMATIC CONVERSION OF ADMINISTRATIVE CASES AGAINST JUSTICES AND JUDGES TO DISCIPLINARY PROCEEDINGS AGAINST THEM AS LAWYERS, EXPLAINED; A DISCIPLINARY PROCEEDING AS A MEMBER OF THE BAR IS IMPLIEDLY INSTITUTED WITH THE FILING OF AN ADMINISTRATIVE CASE AGAINST A JUSTICE OF THE SANDIGANBAYAN, COURT OF APPEALS AND COURT**

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**OF TAX APPEALS OR A JUDGE OF A FIRST-OR SECOND-LEVEL COURT.—** It is worth emphasizing that the instant disbarment complaint and A.M. No. MTJ-10-1761 are anchored upon almost the same set of facts, except that in the former, the issue of occurence of the scuffle on September 14, 2009 is raised as well. This Court does not intend to punish Eliseo twice for the same acts especially since they pertain to his private life and were not actually committed in connection with the performance of his functions as a magistrate before. In *Samson v. Caballero*, the Court emphasized what "automatic conversion of administrative cases against justices and judges to disciplinary proceedings against them as lawyers" means, *viz*: This administrative case against respondent shall also be considered as a disciplinary proceeding against him as a member of the Bar, in accordance with AM. No. 02-9-02-SC. This resolution, entitled "Re: Automatic Conversion of Some Administrative Cases Against Justices of the Court of Appeals and the Sandiganbayan; Judges of Regular and Special Courts; and Court Officials Who are Lawyers as Disciplinary Proceedings Against Them Both as Such Officials and as Members of the Philippine Bar," provides: "Some administrative cases against Justices of the Court of Appeals and the Sandiganbayan; judges of regular and special courts; and the court officials who are lawyers are based on grounds which are likewise grounds for the disciplinary action of members of the Bar for violation of the Lawyer's Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics, or for such other forms of breaches of conduct that have been traditionally recognized as grounds for the discipline of lawyers. In any of the foregoing instances, the administrative case shall also be considered a disciplinary action against the respondent justice, judge or court official concerned as a member of the Bar. x x x. Judgment in both respects may be incorporated in one decision or resolution." x x x Under the same rule, a respondent "may forthwith be required to comment on the complaint and show cause why he should not also be suspended, disbarred or otherwise disciplinary sanctioned as member of the Bar." xxx In other words, an order to comment on the complaint is an order to give an explanation on why he should not be held administratively liable not only as a member of the bench but also as a member of the bar. This is the fair and reasonable meaning of "automatic conversion" of administrative

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cases against justices and judges to disciplinary proceedings against them as lawyers. This will also serve the purpose of A.M. No. 02-9-02-SC to avoid the duplication or unnecessary replication of actions by treating an administrative complaint filed against a member of the bench also as a disciplinary proceeding against him as a lawyer by mere operation of the rule. Thus, a disciplinary proceeding as a member of the bar is impliedly instituted with the filing of an administrative case against a justice of the Sandiganbayan, Court of Appeals and Court of Tax Appeals or a judge of a first- or second-level court.

**2. ID.; ATTORNEYS; CODE OF PROFESSIONAL RESPONSIBILITY; RULE 7.03 THEREOF; UNBECOMING CONDUCT, EXPLAINED; THE RESPONDENT-LAWYER'S ACT OF ENGAGING IN A BRAWL WITH HIS OWN CHILDREN INSIDE THE CHAMBER OF A JUDGE IS A CRUDE SOCIAL BEHAVIOR WHICH THE COURT CANNOT COUNTENANCE.—** In the instant disbarment complaint, tirades and bare accusations were exchanged. It bears stressing that not one of the parties had presented even one independent witness to prove what transpired inside the chamber of Judge Casals on September 14, 2009. That a scuffle took place is a fact, but the question of who started what cannot be determined with much certainty. While admitting his engagement in the scuffle, Eliseo vigorously attempts to justify his conduct as self-defense on his part. While this Court finds credence and logic in Eliseo's narration of the incident, and understands that the successive acts of the parties during the tussle were committed at a time when passions ran high, he shall not be excused for comporting himself in such an undignified manner. Rule 7.03, Canon 7 of the Code of Professional Responsibility explicitly proscribes a lawyer from engaging in conduct that "adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession." The case of *Jamsani-Rodriguez v. Ong*, on the other hand, is instructive anent what constitutes unbecoming conduct, *viz*: Unbecoming conduct "applies to a broader range of transgressions of rules not only of social behavior but of ethical practice or logical procedure or prescribed method." *Sans* any descriptive sophistry, what Eliseo did was to engage in a brawl with no less than his own children inside the chamber

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of a judge. This Court shall not countenance crude social behavior. Besides, the courtroom is looked upon by people with high respect and is regarded as a sacred place where litigants are heard, rights and conflicts settled, and justice solemnly dispensed. Misbehavior within or around the vicinity diminishes its sanctity and dignity. Although Alistair and Charmaine were not entirely faultless, a higher level of decorum and restraint was then expected from Eliseo, whose conduct failed to show due respect for the court and lend credit to the nobility of the practitioners of the legal profession.

3. **ID.; ID.; ID.; ID.; CONDUCTING ONESELF IN A MANNER NOT BEFITTING A MEMBER OF THE BAR BY ENGAGING IN A SCUFFLE WITH HIS OWN CHILDREN IN THE CHAMBER OF A JUDGE AND RECKLESSLY EXPRESSING HIS DOUBT ANENT THE LEGITIMACY OF HIS SON DURING THE HEARING BEFORE THE COMMISSION ON BAR DISCIPLINE (CBD) CONSTITUTE A VIOLATION THEREOF.—** This Court views with disfavor Eliseo's statement during the hearing conducted by the CBD on March 18, 2011 that he doubts Alistair to be his biologiocal son. As a lawyer, Eliseo is presumably aware that ascribing illegitimacy to Alistair in a proceeding not instituted for that specific purpose is nothing short of defamation. All told, Eliseo violated Rule 7.03, Canon 7 of the Code of Professional Responsibility when he conducted himself in a manner not befitting a member of the bar by engaging in the scuffle with his own children in the chamber of Judge Casals on September 14, 2009 and recklessly expressing his doubt anent the legitimacy of his son Alistair during the hearing before the CBD.

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

**REYES, *J.*:**

Before this Court is a complaint for disbarment[1] on grounds of serious misconduct, immorality and dishonesty filed against Atty. Eliseo M. Campos (Eliseo), former presiding judge of

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[1] *Rollo*, pp. 1-5.

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the Municipal Trial Court of Bayugan, Agusan del Sur. The complainants herein are his wife, Aida R. Campos (Aida), and their children, Alistair R. Campos (Alistair) and Charmaine R. Campos (Charmaine).

**Antecedents**

Eliseo and Aida were married in 1981. Alistair was born in 1982, and Charmaine, in 1986.

In 1999, Eliseo purchased by installment a 936-square meter lot (the property) in Bayugan, Agusan del Sur from a certain Renato Alimpoos. Eliseo thereafter applied for the issuance of a title in Alistair's name. Alistair was then a student without an income and a capacity to buy the property. In 2006, Original Certificate of Title (OCT) No. P-28258 covering the property was issued in Alistair's name. Meanwhile, Alistair got married and his wife and child likewise resided in Eliseo's house until 2008.[2]

On July 16, 2008, Eliseo filed with the Regional Trial Court (RTC) of Bayugan, Agusan del Sur, Branch 7, a Petition[3] for the Declaration of Nullity of Marriage. He alleged that both he and Aida are psychologically incapacitated to comply with essential marital obligations. He claimed that during the first few days of their marriage, he realized that he finds no gratification in engaging in sexual intercourse with his wife. He alleged that he is a homosexual. He also averred that Aida experienced severe pain when she delivered Alistair. Consequently, Aida no longer wanted to bear children. He likewise ascribed acts of infidelity to Aida.

On September 10, 2008, Eliseo executed an Affidavit of Loss[4] wherein he represented himself as the owner of the property

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[2] *See* Eliseo's Counter-Affidavit, dated December 23, 2008, which he executed relative to Alistair's complaint for perjury, *id.*, at 24-25; OCT No. P-28258, *id.* at 10-11.

[3] *Id.* at 6-8; The petition, docketed as Civil Case No. 1118, was subsequently raffled to Branch 7 of the RTC.

[4] *Id.* at 9.

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covered by OCT No. P-28258. He declared that he unknowingly lost the owner's certificate of title which used to be in his files. On September 15, 2008, he caused the annotation[5] of the said affidavit in the the copy of OCT No. P-28258 kept in the Register of Deeds of Bayugan, Agusan del Sur. In the Affidavit of No Loss[6] executed on October 21, 2008 and likewise inscribed[7] in the certificate of title, Alistair refuted Eliseo's representations.

On November 26, 2008, Alistair filed before the Office of the Provincial Prosecutor of Bayugan, Agusan del Sur a complaint for perjury[8] against Eliseo. Alistair stated that the owner's copy of OCT No. P-28258 was in his possession. Eliseo was aware of such fact, but he still deliberately and maliciously asserted a falsehood.

In Eliseo's Counter-Affidavit,[9] he insisted that he is the sole owner of the property covered by OCT No. P-28258. Eliseo continued:

> That when I applied for titling of said lot[,] I caused it to be registered in the name of [Alistair], who was still single, as I have some other properties (land) under my name;
>
> That I never intended to give it to [Alistair] as he [still has a] sister;
>
> That when the title was released[,] it was kept in our files;
>
> That when I filed an annulment case against my wife which is now pending before the [RTC] of Bayugan, I offered to my wife as a settlement to have our properties settled[.] [O]ne of [these properties] is this lot, which I asked to be sold and its proceeds be divided between us. I have learned that my wife refused to have that property sold claiming that I could not sell the house and lot as it is [in] the name of our son[,] herein complainant Alistair R. Campos;

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[5] *See* Entry No. 6963 inscribed in the certificate of title; *id.* at 11.

[6] *Id.* at 52.

[7] *See* Entry No. 7545 annotated in the certificate of title; *id.* at 11.

[8] *See* Affidavit-Complaint; *id.* at 22-23.

[9] *Id.* at 24-25.

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That my son's statement in his complaint affidavit that the Owner[']s Duplicate of the Title of the Lot has long been in his actual, physical and personal possession, is utterly false, as the title was previously in our possession in our files as the property is undersigned[']s own exclusive property. x x x

That when I learned that together with my wife[,] he is going to apply for a loan making the title of the lot as collateral, I decided to file a petition for cancellation of the title under my son's name Alistair R. Campos, and asked Mrs. Azucena A. Ortiz, to get a certified copy of the title from the Register of Deeds to be used in the filing of a petition for cancellation of the title in my son's name;

That I was told by Mrs. Ortiz, that she was told by the Register of Deeds, that I have to execute an affidavit of loss so that I can be given a certified copy. Since the title is not in my possession after I left my residence and I cannot find it from my files, I let Mrs. Ortiz prepare an affidavit of loss and I signed it. I have also instructed her to [cause the annotation of the affidavit on the certificate of title] to protect my interest as the real owner of the lot, to counter or stop my wife and son from using the titles as collateral of a loan;

x x x x x x x x x.[10]

Subsequently, the Office of the Provincial Prosecutor of Agusan del Sur dismissed for lack of probable cause Alistair's complaint for perjury against Eliseo.[11] The resolution, which dismissed the complaint, in part, reads:

"[W]hen [Eliseo] found [out] that the [t]itle of the lot he bought was missing and could not be found in his files, he did the proper actions to protect his rights thereto by executing an Affidavit of Loss.

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[10] *See* Eliseo's Counter-Affidavit; *id.*

[11] *See* Eliseo's letters (a) dated August 30, 2009, addressed to *J.* Jose P. Perez, then Court Administrator, *id.* at 75; and (b) dated September 22, 2010, addressed to Atty. Ma. Luisa Laurea, then Clerk of Court, *id.* at 66.

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x x x [W]hen [Eliseo] sensed that his wife is about to obtain a loan using the [t]itle as collateral without his consent and to protect his right as owner of the property, he went to the Register of Deeds to cancel his son's ownership over the lot in question with the intent to revert back its ownership in his name. However, when asked to produce a copy of its duplicate original, [Eliseo] could not present the same as it was already lost and could not be retrieved from his files. To prove its loss, an Affidavit of Loss was executed by [Eliseo] attesting to the fact of its unavailability.

x x x [I]t can be deduced that the act of [Eliseo] was done in good faith. x x x [T]he intent of [Eliseo] in executing the Affidavit is not tainted with [a] corrupt assertion of falsehood since there was [a] firm belief that indeed[,] the [t]itle is not anymore found in his files. It could not be located and the [t]itle is kept by [Alistair] who took side[s] with [Aida] who has plans to enjoy [the] benefits from the [t]itle using it as [a] collateral in obtaining [a] loan from the lot covered by [the] said [t]itle. [Had Alistair been truthful to Eliseo, the former could have informed the latter of the] whereabouts of the [t]itle [and could] have sought permission from his father when he took [the] copy of the [t]itle from [Eliseo's] files. By not informing [Eliseo], [he] could not be faulted for executing such Affidavit and neither can he be found guilty of perjury as there was no malice on his part to do the same. x x x."[12] (Citation omitted)

On February 11, 2009, Aida filed a Complaint[13] for Legal Separation, Support and Separation of Conjugal Properties against Eliseo. Aida alleged that Eliseo confessed under oath that he is a homosexual. However, Eliseo, in effect, contradicted the said confession when he admitted to Alistair and Charmaine that he was then intimately involved with another woman. Aida likewise claimed that Eliseo is temperamental and had stopped giving support to their family.

On April 6, 2009, Aida, Alistair and Charmaine filed before the Office of the Court Administrator (OCA) an administrative

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[12] Please see Eliseo's Position Paper filed with the Integrated Bar of the Philippines' Commission on Bar Discipline; *id.* at 101-102.

[13] *Id.* at 12-15.

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complaint[14] for serious misconduct, immorality and dishonesty against Eliseo. Formal investigation was thereafter conducted.

Pending the resolution of the above-mentioned administrative complaint against Eliseo, he resigned from his judicial post on July 1, 2009.[15]

On September 14, 2009, after the conclusion of a hearing on Eliseo's Petition for Declaration of Nullity of Marriage before the RTC of Bayugan, Agusan del Sur, Judge Eduardo Casals (Judge Casals) called the parties for a conference in his chamber. A scuffle ensued inside the chamber. The police blotter filed promptly after the incident indicated that Eliseo choked Charmaine and attempted to box but failed to hit Alistair.[16]

On June 4, 2010, Aida, Alistair and Charmaine filed the instant complaint for disbarment[17] against Eliseo. They alleged that Eliseo committed acts of dishonesty, immorality and serious misconduct in (a) causing the issuance of OCT No. P-28258 in Alistair's name; (b) subsequently misrepresenting himself as the real owner of the lot covered by OCT No. P-28258; (c) falsely declaring under oath in the Affidavit of Loss executed on September 10, 2008 that the owner's copy of OCT No. P-28258 is missing despite his knowledge that the said title is with Alistair; (d) stating in his Petition for Declaration of Nullity of Marriage that he is a homosexual albeit admitting to his children that he has an intimate relation with another woman; and (e) choking and boxing his children on September 14, 2009.

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[14] A.M. No. MTJ-10-1761, entitled "*Aida R. Campos, et al. v. Judge Eliseo M. Campos, Municipal Trial Court, Bayugan, Agusan del Sur.*"

[15] *See* Eliseo's letter addressed to J. Jose P. Perez, then Court Administrator; *rollo*, p. 73.

[16] *See* Certification dated September 14, 2009; *id.* at 27.

[17] *Id.* at 1-5.

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After Eliseo's submission of his comment,[18] the Court referred the complaint to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.[19]

In Eliseo's Position Paper[20] filed with the IBP's Commission on Bar Discipline (CBD), he interposed the following defenses: (a) the complainants are engaged in forum shopping in view of pending administrative and civil cases in all of which the issues of immorality and homosexuality have already been raised;[21] (b) the complaint is instituted merely to harass him as a consequence of his refusal to provide a monthly support of Php60,000.00 to his wife and children;[22] (c) he has no extra-marital relation but he once told Alistair and Charmaine in jest that due to Aida's infidelity, he intends to live separately with another woman who may be more caring and loving than his wife;[23] and (d) to protect his rights and prevent the complainants from using as a collateral for a loan the house and lot covered by OCT No. P-28258, he executed the Affidavit of Loss on September 10, 2008 as a pre-requisite to his filing of an action in court for the registration of the property in his name.[24] Further, Eliseo refuted Alistair and Charmaine's claims relative to the scuffle which occurred on September 14, 2009 inside the chamber of the judge hearing the Petition for Declaration of Nullity of Marriage. Eliseo insists that if Alistair and Charmaine's claims were true, they could have presented independent witnesses to corroborate their version of the incident, and medical certificates to prove that they indeed sustained injuries. What follows is Eliseo's account of what had transpired:

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[18] *See* Eliseo's letter addressed to Atty. Ma. Luisa Laurea, then Clerk of Court; *id* at 64-67.

[19] Resolution dated November 17, 2010; *id.* at 77.

[20] *Id.* at 90-108.

[21] *Id.* at 93, 104-105.

[22] *Id.* at 97.

[23] *Id.* at 95-96.

[24] *Id.* at 96-97; Note that Eliseo now made reference to a house constructed on the lot covered by OCT No. P-28258.

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[A]fter adjournment of the hearing of the annulment case, the judge called the parties to his chamber for a conference. [Aida] however was reluctant to go unless her children would join her. The judge then called all of them to the chamber. Once there, the Judge inquired about [Eliseo's] proposal for settlement. While [Eliseo] was explaining to the judge, [Charmaine] reacted by raising her voice uttering unprintable words to [Eliseo]. [Eliseo] requested her to calm down reminding her that they were still in court. But she continued her tirade at [Eliseo] with greater intensity even calling him a bad father, and that she despised him. x x x Charmaine had already been ejected by the judge out of the court for lack of decorum and respect. The order for her removal arose after she interrupted the court several times by shouting at [Eliseo]. When she was already outside the court premises, she was even heard by a certain Samuel Pasagdan saying that [Eliseo] should watch out after the hearing as she was going to attack him. The prior incident (where she was thrown out of court) made her angrier in the chamber. So when she continued with her unpleasant and scandalous utterances by again interrupting [Eliseo] who was asked by the judge to talk about his proposal for settlement, [Eliseo] walked to her and held her by her shoulder to put some sense to her that she really had to calm down out of respect [for] the judge. There was no choking of Charmaine. But, this sight of holding Charmaine by the shoulder was viewed differently by [Alistair] who flung with force and recklessness a bag containing an unknown hard object to [Eliseo]. [Eliseo] was hit and in pain. At this point, Charmaine suddenly held [Eliseo] from behind so he could not defend himself from the onslaught of Alistaire (sic) who was poised to attack him. [Eliseo] was forced to elbow Charmaine to break free from her hold. There was a brief exchange of punches between Alistair and [Eliseo] before the Presiding Judge broke the fray. This incident could not have happened if not for Charmaine's own misdemeanor and initial provocation.[25]

Aida, Alistair and Charmaine did not attend the hearing held on March 18, 2011, but Atty. Gener Sansaet came to represent them. Eliseo appeared on his own behalf, with Atty. Alex Bacarro as collaborating counsel.

During the hearing, Eliseo insisted that the allegations against him of (a) immorality and psychological incapacity in having

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[25] *Id.* at 98-99.

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extra-marital affairs; and (b) serious misconduct in the execution of the Affidavit of Loss need not be resolved anymore in the instant disbarment complaint since they are already the subjects of other pending cases.[26] He also expressed his doubt that Alistair is his biological son.[27] He also alleged that Aida, who had served for three terms as a Provincial Board Member, had a lover, who was likewise a political figure.[28] Aida harbored the impression that Eliseo's filing of his Petition for the Declaration of Nullity of Marriage caused the downfall of the former's political career.[29]

**The Report and Recommendation of the CBD**

On June 11, 2012, CBD Commissioner Romualdo A. Din, Jr. (Commissioner Din, Jr.) submitted his Report and Recommendation[30] to the IBP Board of Governors. Commissioner Din, Jr. recommended the dismissal of the instant disbarment complaint against Eliseo for lack of evidence. Commissioner Din, Jr. ratiocinated that:

> The main issue in the case at bar is whether or not [Eliseo] committed serious misconduct sufficient to cause his disbarment. The determination of [Eliseo's] culpability is dependent on the following: 1. whether or not [Eliseo] was dishonest with regards to the statements he made in his Petition for Annulment. [Corollarily] whether or not [Eliseo] is guilty of immoral conduct; 2. Whether or not the statements raised in the Affidavit of Loss concerning the certificate of title of the Campos' property were untrue; and 3. Whether or not [Eliseo] choked his daughter, Charmaine, during the amicable settlement of the annulment case in the (sic) Judge Casal's (sic) chambers.
>
> The Commission finds in the negative. Gross or serious misconduct has been defined as "any inexcusable, shameful and flagrant unlawful conduct on the part of the person concerned in the administration

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[26] TSN dated March 18, 2011, *id.* at 115-173, at 140-144.

[27] *Id.* at 148-149.

[28] Please see Report and Recommendation, *id.* at 179-189, at 184.

[29] *Id.*

[30] *Id.* at 179-189.

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of justice which is prejudicial to the rights of the parties or to the right determination of a cause, a conduct that is generally motivated by a predetermined, obstinate or intentional purpose (*Yumol*[,] *Jr. vs. Ferrer*[,] *Sr.*[,] *456 SCRA 457*).

As a consequence of finding of gross misconduct has been held to be "a ground for the imposition of the penalty of suspension or disbarment because good character is an essential qualification for the admission to the practice of law and for the continuance of such privilege." (*Cham v. Atty. Paita-Moya*[,] *A.C. No. 7494, June 27, 2008*).

In the same vein, the Supreme Court has likewise held that: "A lawyer may be suspended or disbarred for any misconduct, even if it pertains to his private activities, as long as it shows him to be wanting in moral character, honesty, probity or good demeanor. Possession of good moral character is not only a good condition precedent to the practice of law but also a good qualification for all members of the bar (*Manaois v. Deciembre[,] A.M. Case No. 5564, August 20, 2008*).

In the case at bar, the complainants' averments of [Eliseo's] alleged transgressions[,] *i.e.* the incongruence of his homosexuality and the extramarital relation of [Eliseo] as grounds for annulment compared with the complainants' allegation that [Eliseo] admitted that he has a mistress; the alleged choking of [Charmaine]; and the execution of the Affidavit of Loss despite knowledge of the fact that the certificate of title was with [Alistair] who is the registered owner of the subject property taken on their own is a valid ground to find [Eliseo] guilty of gross misconduct.

However, [Eliseo] has succinctly rebutted each and every single allegation of the complainants making the case at fore a battle of opposing narration of facts.

More importantly, the pieces of evidence presented by the complainants are insufficient to prove their claim beyond the degree of evidence required of them by law to satisfy and overcome.

Basic and fundamental is the rule that "the burden of proof is upon the complainant and the Court will exercise the disciplinary power only if the former establishes the case by clear, convincing and satisfactory evidence."

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In the case at bar, [apart] from the allegations in the complaint, no other evidence was presented by the complainants to bolster their claims. Aside from the statements made in the complaint, no other corroborative or collaborating evidence documentary or testimonial from independent, third person was presented to convince this Commission by clear, convincing and satisfactory proof that [Eliseo] is guilty of the allegations contained therein.[31] (Citation omitted)

**The Resolution of the IBP Board of Governors**

The IBP Board of Governors, however, reversed the findings of Commissioner Din, Jr. In the Extended Resolution issued on March 20, 2013, the Board suspended Eliseo from the practice of law for two years. Thus:

[T]he Board, upon a thorough perusal of the records, finds sufficient evidence to sustain misconduct on the part of [Eliseo] as a lawyer, specifically his filing an Affidavit of Loss of Title to Real Property which Title was in the name of Alistair[,] his son, and which was in the latter's possession, substantiated with annexes and affidavits. The same holds true for the alleged choking incident in the Judge's chamber which was caused to be blottered, Annex "G". [Eliseo] also admitted his infidelity albeit he postulated the defense of homosexuality. All these, taken together, fall short of the ethical standards set forth for lawyers in the Code of Professional Responsibility.[32]

**Issues**

Whether or not Eliseo committed acts of dishonesty, immorality and serious misconduct in:

I.

Causing the issuance of OCT No. P-28258 in Alistair's name;

II.

Subsequently misrepresenting himself as the real owner of the lot covered by OCT No. P-28258;

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[31] *Id.* at 187-189.

[32] *Id.* at 178.

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III.

Falsely declaring under oath in the Affidavit of Loss executed on September 10, 2008 that the owner's copy of OCT No. P-28258 is missing despite his knowledge that the said title is with Alistair;

IV.

Stating in his Petition for Declaration of Nullity of Marriage that he is a homosexual albeit admitting to his children that he has an intimate relation with another woman; and

V.

Choking and boxing his children on September 14, 2009.

**This Court's Ruling**

**Of the five issues raised herein, only the allegation of Eliseo's engagement in the scuffle inside the chamber of Judge Casals on September 14, 2009 shall be resolved. Anent the foregoing, this Court is compelled to once again impose a fine upon Eliseo for violating Rule 7.03, Canon 7 of the Code of Professional Responsibility when he conducted himself in a manner not befitting a member of the bar.**

This Court *affirms* the findings of the IBP Board of Governors that Eliseo deserves to be sanctioned for his unbecoming behavior.

In recommending the imposition upon Eliseo of a penalty of two years of suspension from the practice of law, the IBP Board of Governors considered all the three charges of immorality, dishonesty and misconduct against the former.

However, this Court, on February 8, 2012, in A.M. No. MTJ-10-1761, had already imposed upon Eliseo a fine of Php20,000.00 for simple misconduct in causing the issuance of OCT No. P-

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28258 in Alistair's name when the subject property actually belongs to the former. The charges of (a) immorality in engaging in extra-marital affairs; and (b) dishonesty in executing the Affidavit of Loss on September 10, 2008, were, on the other hand, dismissed by the Court after finding either the evidence of the complainants as insufficient or the issues raised being already the subjects of Eliseo's pending Petition for the Declaration of Nullity of Marriage.

It is worth emphasizing that the instant disbarment complaint and A.M. No. MTJ-10-1761 are anchored upon almost the same set of facts, except that in the former, the issue of occurence of the scuffle on September 14, 2009 is raised as well. This Court does not intend to punish Eliseo twice for the same acts especially since they pertain to his private life and were not actually committed in connection with the performance of his functions as a magistrate before.

In *Samson v. Caballero*,[33] the Court emphasized what "automatic conversion of administrative cases against justices and judges to disciplinary proceedings against them as lawyers" means, *viz*:

> This administrative case against respondent shall also be considered as a disciplinary proceeding against him as a member of the Bar, in accordance with AM. No. 02-9-02-SC. This resolution, entitled "Re: Automatic Conversion of Some Administrative Cases Against Justices of the Court of Appeals and the Sandiganbayan; Judges of Regular and Special Courts; and Court Officials Who are Lawyers as Disciplinary Proceedings Against Them Both as Such Officials and as Members of the Philippine Bar," provides:
>
> > "Some administrative cases against Justices of the Court of Appeals and the Sandiganbayan; judges of regular and special courts; and the court officials who are lawyers are based on grounds which are likewise grounds for the disciplinary action of members of the Bar for violation of the Lawyer's Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics, or for such other forms of breaches of

[33] A.M. No. RTJ-08-2138, August 5, 2009, 595 SCRA 423.

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> conduct that have been traditionally recognized as grounds for the discipline of lawyers.
>
> In any of the foregoing instances, the administrative case shall also be considered a disciplinary action against the respondent justice, judge or court official concerned as a member of the Bar. x x x. Judgment in both respects may be incorporated in one decision or resolution."
>
> x x x x x x x x x

Under the same rule, a respondent "may forthwith be required to comment on the complaint and show cause why he should not also be suspended, disbarred or otherwise disciplinary sanctioned as member of the Bar." xxx In other words, an order to comment on the complaint is an order to give an explanation on why he should not be held administratively liable not only as a member of the bench but also as a member of the bar. This is the fair and reasonable meaning of "automatic conversion" of administrative cases against justices and judges to disciplinary proceedings against them as lawyers. This will also serve the purpose of A.M. No. 02-9-02-SC to avoid the duplication or unnecessary replication of actions by treating an administrative complaint filed against a member of the bench also as a disciplinary proceeding against him as a lawyer by mere operation of the rule. Thus, a disciplinary proceeding as a member of the bar is impliedly instituted with the filing of an administrative case against a justice of the Sandiganbayan, Court of Appeals and Court of Tax Appeals or a judge of a first- or second-level court.[34] (Citations and emphasis omitted)

The above-cited case suggests the superfluity of instituting a disbarment complaint against a lawyer when an administrative case had been previously filed against him or her as a magistrate. Ideally therefore, the instant disbarment complaint should have been consolidated with A.M. No. MTJ-10-1761. However, it is well to note that *Samson v. Caballero*[35] was promulgated by the Court on August 5, 2009 subsequent to the filing of the instant disbarment complaint on April 6, 2009. Further, while

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[34] *Id.* at 431, 435-436.

[35] *Supra* note 33.

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all the allegations in A.M. No. MTJ-10-1761 are replicated in the instant disbarment complaint, the last issue of engagement in the scuffle is an addition to the latter. Hence, this Court shall now resolve the said issue to write *finis* to the parties' bickerings.

In the instant disbarment complaint, tirades and bare accusations were exchanged. It bears stressing that not one of the parties had presented even one independent witness to prove what transpired inside the chamber of Judge Casals on September 14, 2009. That a scuffle took place is a fact, but the question of who started what cannot be determined with much certainty. While admitting his engagement in the scuffle, Eliseo vigorously attempts to justify his conduct as self-defense on his part.[36]

While this Court finds credence and logic in Eliseo's narration of the incident, and understands that the successive acts of the parties during the tussle were committed at a time when passions ran high, he shall not be excused for comporting himself in such an undignified manner.

Rule 7.03, Canon 7[37] of the Code of Professional Responsibility explicitly proscribes a lawyer from engaging in conduct that "adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession."

The case of *Jamsani-Rodriguez v. Ong*,[38] on the other hand, is instructive anent what constitutes unbecoming conduct, *viz*:

> Unbecoming conduct "applies to a broader range of transgressions of rules not only of social behavior but of ethical practice or logical procedure or prescribed method."[39]

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[36] Please see note 25.

[37] CANON 7. – A lawyer shall at all times uphold the integrity and dignity of the legal profession and support the activities of the Integrated Bar.

[38] A.M. No. 08-19-SB-J, August 24, 2010, 628 SCRA 626.

[39] *Id.* at 653, citing *Zacarias v. National Police Commission,* G.R. No. 119847, October 24, 2003, 414 SCRA 387, 392.

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*Sans* any descriptive sophistry, what Eliseo did was to engage in a brawl with no less than his own children inside the chamber of a judge. This Court shall not countenance crude social behavior. Besides, the courtroom is looked upon by people with high respect and is regarded as a sacred place where litigants are heard, rights and conflicts settled, and justice solemnly dispensed.[40] Misbehavior within or around the vicinity diminishes its sanctity and dignity.[41] Although Alistair and Charmaine were not entirely faultless, a higher level of decorum and restraint was then expected from Eliseo, whose conduct failed to show due respect for the court and lend credit to the nobility of the practitioners of the legal profession.

Further, albeit not raised as an issue, this Court views with disfavor Eliseo's statement during the hearing conducted by the CBD on March 18, 2011 that he doubts Alistair to be his biologiocal son.[42] As a lawyer, Eliseo is presumably aware that ascribing illegitimacy to Alistair in a proceeding not instituted for that specific purpose is nothing short of defamation.

All told, Eliseo violated Rule 7.03, Canon 7 of the Code of Professional Responsibility when he conducted himself in a manner not befitting a member of the bar by engaging in the scuffle with his own children in the chamber of Judge Casals on September 14, 2009 and recklessly expressing his doubt anent the legitimacy of his son Alistair during the hearing before the CBD.

**WHEREFORE,** this Court finds that respondent Eliseo M. Campos violated Rule 7.03, Canon 7 of the Code of Professional Responsibility. A **FINE** of Five Thousand Pesos (Php5,000.00) is hereby imposed upon him, with a **STERN WARNING** that a repetition of similar acts shall be dealt with more severely.

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[40] Please see *Atty. Roel O. Paras v. Myrna F. Lofranco*, 407 Phil. 329 (2001).

[41] *Id.*

[42] *Supra* note 27.

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**SO ORDERED.**

*Sereno, C.J. (Chairperson), Bersamin, Villarama, Jr.,* and *Leonen,*[*] *JJ.,* concur.

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**FIRST DIVISION**

[A.M. No. P-08-2574. January 22, 2014]
(Formerly A.M. OCA IPI No. 08-2748-P)

**RAUL K. SAN BUENAVENTURA,** *complainant, vs.* **TIMOTEO A. MIGRIÑO, CLERK OF COURT III, METROPOLITAN TRIAL COURT, BRANCH 69, PASIG CITY,** *respondent.*

**SYLLABUS**

**1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; CLERK OF COURT; SIMPLE NEGLECT OF DUTY, DEFINED; CARELESSNESS AND INDIFFERENCE IN THE PERFORMANCE OF DUTIES CONSTITUTES SIMPLE NEGLECT OF DUTY PUNISHABLE BY SUSPENSION FOR THE FIRST OFFENSE AND DISMISSAL FOR THE SECOND OFFENSE.—** We adopt the findings of fact of the OCA and hold respondent Migriño liable for simple neglect of duty. Simple neglect of duty is defined as the failure of an employee to give proper attention to a required task or to disregard a duty due to carelessness or indifference. It is classified as a less grave offense under the Uniform Rules on Administrative Cases in the Civil Service and is punishable with suspension for one (1) month and one (1) day to six (6) months for the

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[*] Additional member per Raffle dated January 22, 2014 *vice* Associate Justice Teresita J. Leonardo-De Castro.