EN BANC

[A.C. No. 13521. June 27, 2023]

IN RE: ATTY. LORENZO G. GADON'S VIRAL VIDEO AGAINST RAISSA ROBLES

D E C I S I O N

PER CURIAM:

This is an administrative case commenced by the Court,[1] pursuant to Section 27, Rule 138 of the Rules of Court, against Atty. Lorenzo G. Gadon (**Atty. Gadon**) after a video clip (**subject video clip**) of him lashing out and uttering profanities against Raissa Robles (**Robles**), a journalist, surfaced online and went viral on various social media platforms.

The Facts

Urged by the public, the Court issued a Resolution,[2] dated January 4, 2022, taking cognizance of the subject video clip of Atty. Gadon, who was speaking in front of a camera while inside a parked car, fuming and cursing at Robles. He lashed out while jabbing his finger towards the camera:

> *Hoy, Raissa Robles, puki ng ina mo, hindot ka. Putang ina mo. Ano'ng pinagsasabi mong hindi nagbayad si BBM ng taxes? May certification 'yan galing sa BIR. Puking ina mo! Hindot ka! Putang ina mo, Raissa Robles! Magpakantot ka sa aso! Puking ina mo! Hindot ka! Putang ina mo!*[3]
>
> [*Hoy*, Raissa Robles, your mother's vulva, fuck you. Your mother is a whore. Why are you saying that BBM did not pay his taxes? There is a certification from the BIR (that he did so). Your mother's vulva! Fuck you! Your mother is a whore, Raissa Robles! Get yourself fucked by a dog! Your mother's vulva! Fuck You! Your mother is a whore!]

The Court noted in the January 4, 2022 Resolution that this was not the first time that Atty. Gadon has displayed similar behavior in public. Specifically, the Court noted the following

incidents:

> 1) Atty. Gadon "Vowed to pulverize Muslim communities if they will not cooperate in the government's bid to address [the] insurgency and rebellion problem in the region" and "expressed his readiness to exterminate innocent children, women, men and old folks and burn down houses if they ignore his plea to work together with the government."
>
> 2) He notoriously called former Chief Justice Maria Lourdes Serena's supporters *bobo* and flashed them his middle finger outside the Court's compound in Baguio City, and even declared, *"I don't care if I am disbarred. I will still eat delicious food and live comfortably. I don't depend on income from lawyering alone, unlike some IBP officials*."
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> 3) He also stated that he had no regrets in cursing at former Chief Justice Sereno's supporters and would personally ask the Court to disbar him by saying, "*I was thinking of filing a petition in the Supreme Court to disbar me. If this bar thing is the only thing that will constrain me from getting back at them, then I'd rather lose my license*."
>
> 4) He allegedly committed acts of dishonesty, arrogance and rudeness during the impeachment proceedings against [the] former Chief Justice Sereno at the House of Representatives.
>
> 5) He maliciously imputed in a radio program that former President Benigno C. Aquino III died of HIV.[4]

The Court found that Atty. Gadon's language in the video recording against Robles was violative of Rule 7.03 of the Code of Professional Responsibility (**CPR**), not to mention constitutive of *prima facie* gender-based online sexual harassment under Sections 3(e) and 12 of Republic Act (**R.A.**) No. 11313.[5] Thus, the Court ordered Atty. Gadon to show cause why he should not be meted the ultimate penalty of disbarment by filing a Comment. The Court likewise placed him on preventive suspension from the practice of law effective immediately.

In addition, the Court directed the Office of the Bar Confidant (**OBC**) and the Integrated Bar of the Philippines (**IBP**) to respectively submit an updated list and a status report of the

pending administrative cases against Atty. Gadon.

In his Comment,[6] Atty. Gadon averred that the immediate imposition of a preventive suspension was without due process because it was imposed even before the Court received his answer, or the expiration of the period to file one, as provided in Section 15, Rule 139-B of the Rules of Court, as amended. He likewise argues that his preventive suspension was without any basis in law.[7]

Atty. Gadon further expressed that he felt singled out because his perceived transgression in the video clip paled in comparison to Senator Leila De Lima's (**Senator De Lima**) public admission of her affair with married security aide and Atty. Jose Manuel "Chel" Diokno's (**Atty. Diokno**) filing of a petition for the issuance of a writ of *kalikasan* despite being later disowned under oath by his supposed fisherfolk clients.[8]

According to Atty. Gadon, these circumstances made him wonder if the initiation of the present case was influenced by extraneous circumstances such as his political and personal connection to the Marcoses, and his public criticisms of Senior Associate Justice Marvic Mario Victor F. Leonen (**Senior Associate Justice Leonen**) and Associate Justice Alfredo Benjamin S. Caguioa (**Justice Caguioa**). Based on this notion, Atty. Gadon moved for the inhibition of Justices Leonen and Caguioa from participating in the resolution of the present case.[9]

Atty. Gadon further elaborated in his Comment on the criminal complaint[10] filed by Robles against him before the Office of the City Prosecutor of Quezon City, charging him with the following:

(a) one (1) count of qualified violation of the Safe Spaces Act, as defined and penalized under Section 15(a) of R.A. 11313, committed on or about 13 December 2021 in Quezon City;

(b) one (1) count of cyber libel, as defined and penalized under Section 4(c)(4) of R.A. 10175 committed on or about 21 December 2021 in Quezon City; and

(c) one (1) count of libel, as defined and penalized under Article 353 of the Revised Penal Code (RPC), committed on or about 21 December 2021 in Quezon City.[11]

Atty. Gadon explained that his behavior in the video clip was provoked by the following tweets and replies of Robles, under the Twitter handle @raissawriter:

> December 9, 2021, 6:56 PM:

> Bongbong Marcos camp says, failure to file income taxes is NOT tax evasion. So, since the BIR could not find A SINGLE COPY OF HIS TAX DECLARATION FORMS as governor, how does he even prove that he had paid. And isn't failure to pay taxes the very definition of "tax evasion"?[12]
>
> December 9, 2021, 7:45 PM (in response to someone else's tweet):
>
> But you see BIR has no record of payment at all. Either witholding (sic) or final taxes. W (sic) BIR you are presumed not to have paid if your earnings reach higher than minimum and there is no record of payment.[13]
>
> December 10, 2021, 11:23 AM (in response to someone else's tweet):
>
> True. We should all follow Bongbong Marcos' example of not filing our income taxes. Anyway, it's not tax evasion [14]
>
> December 10, 2021, 7:43 PM:
>
> If Bongbong Marcos wins, I'll do a Bongbong. Wont file my taxes. Six years. Yehey! [15]
>
> December 12, 2011, 8:30 PM (in response to someone else's tweet):
>
> What Bongbong Marcos is doing is fencing stolen goods on agrand (sic) scale. There is already a Supreme Court decision that everything beyond what Ferdinamd (sic) and Imelda Marcos declared as their assets and earnings are stolen. Bongbong, Imelda, Imee and Irene continue to block $$$$.[16]

According to Atty. Gadon, Robles' tweets were false and libelous.[17] Enraged by these purported constant lies peddled by her, he recorded the subject video clip to stop and rebuke her.[18] He claimed that he uttered those words out of passion, in order to express his anger, disgust, and displeasure against Robles.[19]

Atty. Gadon, however, alleged that he did not post or upload the subject video clip in any social media platform as he intended to directly send it to Robles, and only for her. On the contrary, he argued that it was Robles who uploaded the video on social media in order to gain sympathy from friends and supporters and to besmirch his name considering that he had just announced his intention to run for Senator.[20]

As to the finding of the Court that Atty. Gadon's utterances in the subject video clip could be considered as *prima facie* gender-based online sexual harassment under Sections 3(e) and 12 of R.A. 11313, he argued that the said law was not applicable because his expletives were "an attack against her as a journalist and not by virtue of her gender."[21] Moreover, he submitted that there was no violation of Section 12 of R.A. 11313 because Robles had apparently stated in an interview conducted on "After the Fact," a program of the ABS-CBN News Channel, that she did not feel threatened by the subject video clip, but was merely insulted.[22] He likewise advanced that his remarks were neither misogynistic nor sexist because his utterances, "*putang ina mo*" and "*puki ng ina mo*," were made to express anger, displeasure, and disapproval, not because of any prejudice against Robles with respect to her gender.[23] Citing *Reyes v. People*,[24] Atty. Gadon emphasized that the phrase "*putang ina mo*" was "a common enough expression in the dialect that is often employed, not really to slander but rather to express anger or displeasure."[25]

Considering the foregoing, Atty. Gadon concluded that none of the grounds enumerated under Section 27, Rule 138 of the Rules of Court were established in the present case. Thus, he argued that neither disbarment nor suspension from the practice of law should be imposed against him.[26]

The Issue

Should Atty. Gadon be disbarred?

The Ruling of the Court

The Court finds that Atty. Gadon has shown himself to be unfit to be part of the legal profession. Thus, the Court imposes on him the ultimate penalty of disbarment.

The Court has always maintained that the practice of law is a privilege given to a few, and it is granted only to those of good moral character.[27] In the recent case of *Atty. Saludares v. Atty. Saludares*,[28] the Court emphasized:

> Possession of good moral character is a core qualification for members of the bar.[29] "It is expected that every lawyer, being an officer of the Court, must not only be in fact of good moral character, but must also be seen to be of good moral character and leading lives in accordance with the highest moral standards of the community."[30] Time and again this Court has reminded the members of

> the legal profession that "one of the qualifications required of a candidate for admission to the bar is the possession of good moral character, and, when one who has already been admitted to the bar clearly shows, by a series of acts, that he[/she] does not follow such moral principles as should govern the conduct of an upright person, xx x it is the duty of the court, as guardian of the interests of society, as well as of the preservation of the ideal standard of professional conduct, to make use of its powers to deprive him[/her] of his professional attributes which he[/she] so unworthily abused."[31]

Here, the Court finds that Atty. Gadon has shown that he does not possess the good moral character required to remain a member of the Bar.

At this point, it must be noted that the CPR, under which Atty. Gadon was charged with disbarment, has been expressly repealed by the new Code of Professional Responsibility and Accountability (**CPRA**).[32] On April 11, 2023, the Court unanimously approved the CPRA to make the code governing lawyers' behavior more responsive to the needs of the times. After its publication in two newspapers of general circulation on May 14, 2023, the CPRA took effect 15 days thereafter, or on May 30, 2023.[33] Significantly, the CPRA expressly provides that it shall have a retroactive application, that is, it shall be applied to all pending cases, including this one.[34] Thus, although the act for which Atty. Gadon was ordered to show cause why he should not be disbarred was committed during the effectivity of the outdated CPR, the Court shall evaluate his act using the provisions of the new CPRA.

There is no reason for Senior Associate Justice Leonen and Justice Caguioa to inhibit in the case

At the outset, it must be clarified that Atty. Gadon's prayer to have Senior Associate Justice Leonen and Justice Caguioa inhibit from this case deserves scant consideration.

The grounds for disqualification of justices or judges are found in Section 1, Rule 137 of the Rules of Court:

> Section 1. *Disqualification of judges.* — No judge or judicial officer shall sit in any case in which he[or she], or his [or her] wife [or husband] or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he [or she] is

related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he [or she] has been executor, administrator, guardian, trustee or counsel, or in which he [or she] has presided in any inferior court when his [or her] ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his [or her] sound discretion, disqualify himself [or herself] from sitting in a case, for just or valid reasons other than those mentioned above. (Emphasis supplied)

Tan II v. People[35] explains the two kinds of inhibitions referred to in the above provision, and the considerations for which a judge or justice may exercise the discretion to voluntarily inhibit from a case:

Two kinds of inhibition are contemplated by the above provision. The first paragraph refers to compulsory inhibition, while the second paragraph refers to voluntary inhibition. The first paragraph effectively disqualifies a judge from hearing a case where any of the instances enumerated is present. On the other hand, **the second paragraph explicitly submits the disqualification to the judge's exercise of his or her sound discretion**. In this case, considering that none of the grounds in the first paragraph were alleged, the RTC judge in this case was being asked to inhibit on the basis of the second paragraph.

Jurisprudence has established various guidelines in the evaluation of a judge's exercise of discretion in deciding for or against voluntary inhibition. One consideration is whether the party moving for a judge's inhibition was deprived a fair and impartial trial. Another is whether the judge had an interest, personal or otherwise, in the prosecution of the case in question. The Court also looks into whether the bias and prejudice were shown to have stemmed from an extrajudicial source, the result of which the judge's opinion on the merits was formed on the basis of something outside of what the judge learned from participating in the case. In every case, **bias and prejudice, to be considered valid grounds for voluntary inhibition of judges, must be proved with clear and convincing evidence; bare allegations of partiality will not suffice**.[36] (Emphasis supplied; citations omitted)

Here, none of the above considerations, or even circumstances analogous thereto, are present. There is no showing that Atty. Gadon was deprived of a fair or impartial trial or proceeding. There is likewise no evidence that Senior Associate Justice Leonen or Justice Caguioa has any personal interest in the outcome of the case. There is also no proof that Senior Associate Justice Leonen and Justice Caguioa are actuated by bias or prejudice against Atty. Gadon based on something that they learned outside the present case. It is clear that the basis of the January 4, 2022 Resolution is the subject video clip, together with the past behavior of Atty. Gadon, all of which the Court has taken note of.

Even under the Internal Rules of the Supreme Court (**IRSC**), there is no ground to support Atty. Gadon's motion to have Senior Associate Justice Leonen and Justice Caguioa inhibit from the resolution of the case. Rule 8 provides:

RULE 8

Inhibition and Substitution of Members of the Court

SECTION 1. *Grounds for Inhibition*. — A Member of the Court shall inhibit himself or herself from participating in the resolution of the case for any of these and similar reasons:

(a) the Member of the Court was the *ponente* of the decision or participated in the proceedings in the appellate or trial court;

(b) the Member of the Court was counsel, partner or member of a law firm that is or was the counsel in the case subject to Section 3(c) of this rule;

(c) the Member of the Court or his or her spouse, parent or child is pecuniarily interested in the case;

(d) the Member of the Court is related to either party in the case within the sixth degree of consanguinity or affinity, or to an attorney or any member of a law firm who is counsel of record in the case within the fourth degree of consanguinity or affinity;

(e) the Member of the Court was executor, administrator, guardian or trustee in the case; and

> (f) the Member of the Court was an official or is the spouse of an official or former official of a government agency or private entity that is a party to the case, and the Justice or his or her spouse has reviewed or acted on any matter relating to the case.
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> A Member of the Court may in the exercise of his or her sound discretion, inhibit himself or herself for a just or valid reason other than any of those mentioned above.
>
> The inhibiting Member must state the precise reason for the inhibition.

Atty. Gadon did not allege any of the grounds under this provision, and rightly so, as none of them are present in this case.

What is manifest in the allegations of Atty. Gadon with respect to Senior Associate Justice Leonen and Justice Caguioa is the lack of clear and convincing evidence of their purported bias and prejudice:

> This unusual treatment against [Atty. Gadon] made him wonder if there are other extraneous circumstances or factors that contributed to the same like his political and personal connection to the Marcoses, more specifically to his idol, Ferdinand "Bong-Bong" R. Marcos Jr., or BBM, and to his public criticisms of two members of this Most Honorable Court, namely, Justice Marvic Mario Victor F. Leonen (Justice Leonen) and Justice Alfredo Benjamin S. Caguioa (Justice Caguioa), for their previous handling of the Election Protest filed by BBM before the Presidential Electoral Tribunal (PET). It is also of public knowledge that prior to the instant case, respondent called for these Justices to refund the protest fees deposited by BBM, and that he also filed an impeachment complaint against Justice Leonen. Given the foregoing, **[i]f Justices Leonen and Caguioa had any hand** in the issuance of AM. No. 21-12-05-SC [the January 4, 2022 Resolution] which placed [Atty. Gadon] on immediate suspension, then he is constrained to respectfully move for their voluntary inhibition in this case as **their continued participation might not satisfy the demands of the cold neutrality of an impartial judge**' (sic) required as an indispensable imperative of due process.[37] (Emphasis supplied)

Atty. Gadon's allegations of partiality are clearly conjectural. There was no showing that Senior Associate Justice Leonen or Justice Caguioa "had any hand in the issuance of the January 4, 2022 Resolution, other than their performance of their official adjudicative functions, which is presumed regular, failing evidence to the contrary. The case of *Republic v. Hachero*[38] instructs:

> xxx In sum, the petitioners have in their favor the presumption of regularity in the performance of official duties which the records failed to rebut. **The presumption of regularity of official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive**. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness.
>
> x x x x
>
> In the same vein, the presumption, disputable though it may be, that an official duty has been regularly performed applies in favor of the petitioners. *Omnia praesumuntur rite et solemniter esse acta*. (All things are presumed to be correctly and solemnly done.) It was private respondent's burden to overcome this *juris tantum* presumption. We are not persuaded that it has been able to do so.[39] (Emphasis supplied, citations omitted)

Besides, the January 4, 2022 Resolution was an act of the entire Court *En Banc*. Why is Atty. Gadon singling out Senior Associate Justice Leonen and Justice Caguioa?

Atty. Gadon has obviously overlooked the nature of the Court. In the recent case of *Marcos, Jr. v. Robredo*,[40] the Court stressed that it acts as a collegial body:

> This Court is a collegial body. The Supreme Court acts on a pending incident or resolves a case either *en banc* or in division. Decisions are not rendered in a Justice's individual capacity, but are, instead, arrived at through a majority vote of the Supreme Court's members. The Member-in-Charge simply recommends the action to be taken.[41]

Thus, any Court decision or resolution, such as the January 4, 2022 Resolution, does not depend on the whim of any one Justice. Absent any proof that the January 4, 2022 Resolution was instigated or facilitated by either Senior Associate Justice Leonen or Justice Caguioa, there is no reason for them to inhibit from participating in the resolution of the case. The pernicious insinuation is that either or both Senior Associate Justice Leonen and/or Justice Caguioa can impose their will on the rest of the Court. To stress, the January 4, 2022 Resolution was issued by the Court En Banc, not by any of the Justices in their individual capacity.

For imputing baseless accusations of partiality against Senior Associate Justice Leonen and Justice Caguioa, the Court finds Atty. Gadon guilty of direct contempt of court. The ruling of the Court in *Tallado v. Racoma*[42] anchors this finding:

> **Indeed, unfounded criticisms against members of the Judiciary degrade the judicial office and greatly interfere with the due performance of their functions in the Judiciary. They not only needlessly drain the resources of the Court in resolving them, they sow the seeds of distrust of the public against members of the Judiciary.** x x x.
>
> x x x x
>
> In *Bank of Commerce v. Borromeo*, the Court reiterated that contempt of court is willful disregard of public authority that tends to, among others, impair the respect due such body:
>
> > Contempt of court has been defined as a willful disregard or disobedience of a public authority. In its broad sense, contempt is a disregard of, or disobedience to, the rules or orders of a legislative or judicial body or an interruption of, its proceedings by disorderly behavior or insolent language in its presence or so near thereto as to disturb its proceedings or to impair the respect due such a body. In its restricted and more usual sense, **contempt comprehends a despising of the authority, justice, or dignity of a court.** The phrase contempt of court is generic, embracing within its legal signification a variety of different acts.

> The power to punish for contempt is inherent in all courts, and need not be specifically granted by statute. It lies at the core of the administration of a judicial system. Indeed, there ought to be no question that courts have the power by virtue of their very creation to impose silence, respect, and decorum in their presence, submission to their lawful mandates, and to preserve themselves and their officers from the approach and insults of pollution. The power to punish for contempt essentially exists for the preservation of order in judicial proceedings and for the enforcement of judgments, orders, and mandates of the courts, and, consequently, for the due administration of justice. **The reason behind the power to punish for contempt is that respect of the courts guarantees the stability of their institution; without such guarantee, the institution of the courts would be resting on a very shaky foundation.**[43] (Emphasis supplied; citations omitted)

In *Lorenzo Shipping Corp. v. Distribution Management Association of the Philippines*,[44] the Court explained that unfounded accusations or allegations, such as those made in this case, constitute direct contempt:

> Unfounded accusations or allegations or words tending to embarrass the court or to bring it into disrepute have no place in a pleading. Their employment serves no useful purpose. On the contrary, they constitute direct contempt of court or contempt *in facie curiae* and, when committed by a lawyer, a violation of the lawyer's oath and a transgression of the *Code of Professional Responsibility*.[45]

Baculi v. Belen[46] expounds:

> A pleading containing derogatory, offensive or malicious statements submitted before a court or judge where the proceedings are pending constitutes direct contempt, because it is equivalent to misbehavior committed in the presence of or so near a court or judge as to interrupt the administration of justice. x x x.[47]

It is the duty of a lawyer as an officer of the court to uphold the dignity and authority of the courts and to promote confidence in the fair administration of justice and in the Supreme Court as the last bulwark of justice and democracy. Respect for the courts guarantees the

stability of the judicial institution. Without such guarantee, the institution would be resting on a very shaky foundation. "When confronted with actions and statements, from lawyers and non-lawyers alike, that tend to promote distrust and undermine public confidence in the judiciary, this Court will not hesitate to wield its inherent power to cite any person in contempt. In so doing, it preserves its honor and dignity and safeguards the morals and ethics of the legal profession."[48]

Guided by the foregoing, the Court finds Atty. Gadon guilty of direct contempt of Court for making unfounded accusations against Senior Associate Justice Leonen and Justice Caguioa in his Comment.

Furthermore, as elucidated in *Lorenzo*, Atty. Gadon's act violated the lawyer's oath and the CPR, now the CPRA. The second paragraph of Section 14, Canon II on Propriety is categorical:

> **SECTION 14.** ***Remedy for grievances; insinuation of improper motive***. — A lawyer shall submit grievances against any officer of a court, tribunal, or other government agency only through the appropriate remedy and before the proper authorities.
>
> Statements insinuating improper motive on the part of any such officer, which are not supported by substantial evidence, shall be ground for disciplinary action. (Underscoring supplied)

Thus, in addition to the outburst of Atty. Gadon against Robles, the Court finds additional ground to hold him administratively liable for insinuating malicious accusations against Senior Associate Justice Leonen and Justice Caguioa.

The immediate imposition of preventive suspension was proper

Atty. Gadon laments that he was placed on preventive suspension even before he formally received a copy of the January 4, 2022 Resolution. He asserts that under Section 15 of Rule 139-B of the Rules of Court, he could only be suspended after the Court's receipt of his answer or the lapse of the period to file one. He further insists that his suspension was without basis in law, like the preventive suspension under R.A. No. 6770,[49] the 2017 Revised Rules on Administrative Cases in the Civil Service (**RRACCS**) and the Omnibus

Rules Implementing the Labor Code.[50]

Atty. Gadon's submissions are without merit. The Court has consistently held that disbarment cases are *sui generis*. In *Dayos v. Buri*,[51] the Court held:

> A disbarment case is *sui generis* for it is neither purely civil nor purely criminal, but is rather an investigation by the court into the conduct of its officers. **The issue to be determined is whether respondent is still fit to continue to be an officer of the court in the dispensation of justice.** Hence, an administrative proceeding for disbarment continues despite the desistance of a complainant, or failure of the complainant to prosecute the same, or in this case, the failure of respondent to answer the charges against him despite numerous notices.[52] (Emphasis supplied)

The pronouncement in *Saludares v. Saludares*[53] likewise illumines:

> Administrative cases against members of the legal profession are *sui generis*, and are not affected by the result of any civil or criminal case. It does not even depend on the existence of a complainant to allow the continuation of the proceedings. **The primary objective in disciplinary proceedings against lawyers is public interest. The fundamental inquiry revolves around the finding as to whether the lawyer is still a fit person to be allowed to practice law.**[54] (Emphasis supplied)

Considering that an administrative case against a member of the Bar is *sui generis*, preventive suspension as defined under R.A. No. 6770, the RRACCS and the Labor Code, is different in nature from the preventive suspension in disbarment proceedings. As clearly discussed in the above rulings, the primary issue to be resolved in administrative cases is the fitness of a person to be allowed to practice law.

Here, the expletives uttered by Atty. Gadon in the subject video clip are so scandalous and downright offensive that the Court for itself can already say "*res ipsa loquitur*," *i.e.*, the thing speaks for itself, that there is no need to wait for his answer before he could be placed on preventive suspension. Considering that the video had already become viral on social media, the Court had to act immediately; otherwise, its disciplinary power might be

rendered inefficacious by the unhampered spread of the video clip.

At any rate, as will be discussed below, Atty. Gadon does not deny that he created the video. He only claims that he did not circulate it on social media. Considering that the authenticity of the subject video clip is undisputed, the immediate suspension of Atty. Gadon was proper. There was no doubt as to the authorship from the outset.

With regard to his allegations regarding former Senator De Lima and Atty. Diokno, suffice it to say that their circumstances have no bearing on this case. Whether they committed misconduct does not affect the administrative liability of Atty. Gadon, which is entirely distinct and independent. In other words, their circumstances are irrelevant to this case.

Atty. Gadon has shown that he is unfit to continue as a member of the Bar

In the January 4, 2022 Resolution, the Court found that Atty. Gadon's conduct violated Rule 7.03 of the CPR, which reads:

> Rule 7.03 – A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall be whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

The said rule was incorporated in a similar and amended rule under the CPRA, and now forms part of Section 2 of Canon II on Propriety, thus:

> **SECTION 2. *Dignified conduct***. — A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.
>
> A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life. to the discredit of the legal profession. (Underscoring supplied)

There is no question that Atty. Gadon's repeated use of the words "*puki ng ina mo*," "*hindot*

ka," and "*putang ina mo*," as well as his utterance of "*magpakantot ka sa aso*," in the subject video clip are profane, to say the least, and indisputably scandalous that they discredit the entire legal profession.

Atty. Gadon, however, justifies his use of these words by explaining that they were uttered out of passion in order to express his anger, disgust and displeasure against Robles.

The Court cannot accept these excuses. Granted that Atty. Gadon was only defending President Marcos from the purported lies of Robles, he was neither justified nor excused in using undignified, abusive and disrespectful language considering his membership in the Bar. *Spouses Nuezca v. Villagarcia*[55] illumines:

> Though a lawyer's language may be forceful and emphatic, **it should always be dignified and respectful, befitting the dignity of the legal profession**. The use of intemperate language and unkind ascriptions has no place in the dignity of judicial forum. Language abounds with countless possibilities for one to be emphatic but respectful, convincing but not derogatory, and illuminating but not offensive. **In this regard, all lawyers should take heed that they are licensed officers of the courts who are mandated to maintain the dignity of the legal profession, hence, they must conduct themselves honorably and fairly.** Thus, respondent ought to temper his words in the performance of his duties as a lawyer and an officer of the court.[56] (Emphasis supplied; citations omitted)

Here, Atty. Gadon used highly offensive and obscene language to insult Robles. Directed towards a woman, the language was misogynistic and sexist, wholly gender inappropriate. His claimed defense of President Marcos was lost in all the profanity. In fact, his words did less to defend President Marcos, and more to degrade and denigrate the Bar.

Considering that Atty. Gadon believes that there are documents contradicting Robles' assertion that President Marcos was a tax evader, he could have remained in the realm of dignified legal discourse, using these documents to make solid arguments, rather than hurling expletives against her. This kind of behavior patently falls short of the expected conduct of a lawyer. Sections 3 and 4 of Canon II of the CPRA provide:

> **SECTION 3.** ***Safe environment; avoid all forms of abuse or harassment.*** **—**

> A lawyer shall not create or promote an unsafe or hostile environment, both in private and public settings, whether online, in workplaces, educational or training institutions, or in recreational areas.
>
> To this end, a lawyer shall not commit any form of physical, sexual, psychological, or economic abuse or violence against another person. A lawyer is also prohibited from engaging in any gender-based harassment or discrimination.
>
> **SECTION 4.** ***Use of dignified, gender-fair, and child- and culturally-sensitive language.*** — A lawyer shall use only dignified, gender-fair, child- and culturally-sensitive language in all personal and professional dealings.
>
> To this end, a lawyer shall not use language which is abusive, intemperate. offensive or otherwise improper, oral or written, and whether made through traditional or electronic means, including all forms or types of mass or social media. (All underscoring supplied)

Atty. Gadon cannot take refuge in the case of *Reyes v. People*,[57] for the simple reason that the petitioner in that case was not a lawyer, while Atty. Gadon is. As earlier discussed, the expectations of a lawyer's conduct, especially with respect to one's use of language, is significantly higher than that of ordinary persons.

Atty. Gadon further submits that the subject video clip was made in private, explaining that he did not upload the same on social media, as he intended it exclusively for Robles:

> 38. As can be seen from the foregoing, [Robles] had been slandering [Atty. Gadon's] idol, BBM, and branding him not only as a tax evader but as a grand criminal. Like a true Marcos loyalist, [Atty. Gadon] was enraged by the constant lies being peddled by [Robles] against the Marcoses, more specifically, against [Atty. Gadon's] idol, BBM, which in turn caused him to record a private video clip with a view to stop and rebuke complainant for telling lies against BBM, **with the intention of sending the same directly to her**;
>
> 39. Nevertheless, [Atty. Gadon] neither published nor posted nor uploaded in any social media platform like Facebook, the subject , which is unlike what respondent usually does in his Facebook page, **as the said video clip was intended solely for the eyes of the complainant**. x x x

> 40. As [Robles] herself noted, **[the subject video clip] was made privately inside [Atty. Gadon's] car** and the unsavory words like "*Putang-ina mo*" and "*Puki ng Ina mo*" were uttered by him out of passion and a result of emotional outburst directed solely and exclusively towards [Robles] to express [Atty. Gadon's] anger, disgust and displeasure for [her] spreading of malicious lies against [his] idol, BBM, as extensively discussed above[.][58] (Emphasis supplied)

What Atty. Gadon fails to realize is that lawyers, as Section 2 of Canon II provides, are expected to avoid scandalous behavior, whether in public or private life. This is reiterated in Sections 3 and 4 of the same Canon, which respectively prohibit the creation or promotion of an unsafe or hostile environment, both in private and public settings, and command the use of dignified, gender-fair, child- and culturally-sensitive language in all personal and professional dealings. The Court has consistently reminded lawyers that they cannot segregate their public life from their private affairs. In *Velasco v. Causing*,[59] the Court emphasized:

> *First*, **a lawyer is not allowed to divide his personality as an attorney at one time and a mere citizen at another**. Regardless of whether a lawyer is representing his client in court, acting as a supposed spokesperson outside of it, or is merely practicing his right to press freedom as a "journalist-blogger "his duties to the society and his ethical obligations as a member of the bar remain *unchanged*.[60] (Italics in the original; emphasis supplied)

In *Belo-Henares v. Guevarra*,[61] the Court stressed its ruling in *Pobre v. Defensor-Santiago*,[62] that lawyers may be held administratively liable even for their conduct supposedly committed in a private capacity:

> **Lawyers may be disciplined even for any conduct committed in their private capacity**, as long as their misconduct reflects their want of probity or good demeanor, a good character being an essential qualification for the admission to the practice of law and for continuance of such privilege. **When the Code of Professional Responsibility or the Rules of Court speaks of conduct or misconduct, the reference is not confined to one's behavior exhibited in connection with the performance of lawyers' professional**

> **duties, but also covers any misconduct**, which — albeit unrelated to the actual practice of their profession — would show them to be unfit for the office and unworthy of the privileges which their license and the law invest in them.[63] (Emphasis supplied)

That Atty. Gadon failed to see that he cannot set apart his professional acts from his private life indicates that he does not fully understand the responsibilities that come with the legal profession. His utterances alone, even if intended only for Robles, are reprehensible in themselves. That he did not intend to release the subject video clip on social media does not make it less abhorrent.

At any rate, Atty. Gadon's submission that he did not release the subject video clip on social media is unavailing because he himself disclosed that he intended Robles to see it. In other words, in one way or another, he intended to share, upload, or otherwise disseminate the subject video clip to other persons, although he claimed he only had Robles in mind. The fact that Robles got a copy from someone other than Atty. Gadon could only mean that he himself shared it with another person.

As early as 2014, the Court in *Vivares v. St. Theresa's College*[64] already warned about the risks that come with the use of social media:

> [Online Social Network] users should be aware of the risks that they expose themselves to whenever they engage in cyberspace activities. Accordingly, they should be cautious enough to control their privacy and to exercise sound discretion regarding how much information about themselves they are willing to give up. Internet consumers ought to be aware that, by entering or uploading any kind of data or information online, they are automatically and inevitably making it permanently available online, the perpetuation of which is outside the ambit of their control. Furthermore, and more importantly, information, otherwise private, voluntarily surrendered by them can be opened, read, or copied by third parties who may or may not be allowed access to such.[65]

Mindful of the both the benefits and dangers that come with the use of social media, the CPRA introduced provisions which mandate its responsible use. Section 36 of Canon II is most relevant to the present case:

> **SECTION 36.** ***Responsible use***. — A lawyer shall have the duty to understand the benefits, risks, and ethical implications associated with the use of social media.

Thus, Atty. Gadon cannot exculpate himself by claiming that he "neither published nor posted nor uploaded" the subject video clip onto any social media platform. As a lawyer, it was reasonable to expect that he understood the consequences of recording the video, its benefits, if any, risks, and ethical implications, including the likelihood of it spreading indiscriminately, becoming available to anyone on social media, and the influence that it could have on lawyers and non-lawyers alike, not to mention the children who have been exposed, or have yet to be exposed, to the said video clip. Atty. Gadon failed to take these implications and consequences into account, and in doing so, he likewise failed in upholding the edict to responsibly use social media.

In addition, the January 4, 2022 Resolution found that Atty. Gadon's remarks against Robles could be considered *prima facie* proof of gender-based online sexual harassment under Section 3(e) and 12 of R.A. No. 11313. They provide:

> SECTION 3. *Definition of Terms*. — As used in this Act: x x x
>
> (e) *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;
>
> SECTION 12. *Gender-Based Online Sexual Harassment*. — Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the

> victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims. (Underscoring supplied)

Atty. Gadon contends that the provisions of R.A. No. 11313 cannot be appreciated in this case considering that Robles admitted in the ANC interview that she did not feel threatened, but only insulted, by Atty. Gadon.[66]

The contention is untenable. The violation of R.A. No. 11313 consists in doing acts that cause or are likely to cause mental, emotional or psychological distress, and fear of personal safety. In other words, the violation pertains to the acts of the perpetrator, not to the reaction of the recipient. Thus, even assuming for the sake of argument that Robles did not feel threatened by Atty. Gadon's utterances in the subject video clip, such reaction does not mean that his behavior did not terrorize or intimidate her, or otherwise cause her mental, emotional or psychological distress, or fear for her personal safety.

The Court is mindful that Robles filed a criminal complaint which includes one charge for violation of R.A. No. 11313 against Atty. Gadon. Hence, it shall no longer dwell on the merits of the imputation of criminal liability.

The penalties to be imposed on Atty. Gadon

For the direct contempt committed against the Court, a fine of P2,000.00 is imposed on Atty. Gadon, pursuant to Section 1,[67] Rule 71 of the Rules of Court.

For his administrative liability, the pronouncement of the Court in *Advincula v. Macabata*,[68] as reiterated in the recent case of *Saludares v. Saludares,*[69] instructs:

> [x x x] When deciding upon the appropriate sanction, **the Court must consider that the primary purposes of disciplinary proceedings are to protect the public; to foster public confidence in the Bar; to preserve the integrity of the profession; and to deter other lawyers from similar misconduct**. Disciplinary proceedings are means of protecting the administration of justice by requiring those who carry out this important function to be competent, honorable and reliable men in whom courts and clients may repose confidence. While it is discretionary upon the Court to impose a particular sanction that it may deem

> proper against an erring lawyer, it should neither be arbitrary and despotic nor motivated by personal animosity or prejudice, but should ever be controlled by the imperative need to scrupulously guard the purity and independence of the bar and to exact from the lawyer strict compliance with his duties to the court, to his client, to his brethren in the profession and to the public.
>
> The power to disbar or suspend ought always to be exercised on the preservative and not on the vindictive principle, with great caution and only for the most weighty reasons and only on clear cases of misconduct which seriously affect the standing and character of the lawyer as an officer of the court and member of the Bar. **Only those acts which cause loss of moral character should merit disbarment** or suspension, while those acts which neither affect nor erode the moral character of the lawyer should only justify a lesser sanction unless they are of such nature and to such extent as to clearly show the lawyer's unfitness to continue in the practice of law. The dubious character of the act charged as well as the motivation which induced the lawyer to commit it must be clearly demonstrated before suspension or disbarment is meted out. The mitigating or aggravating circumstances that attended the commission of the offense should also be considered.[70] (Emphasis supplied; citations omitted)

In determining the penalty, the Court shall consider Atty. Gadon's violation of the lawyer's oath and Section 14 of Canon II of the CPRA for insinuating baseless accusations against Senior Associate Justice Leonen and Justice Caguioa.

Moreover, the Court also takes judicial notice of the previous administrative case of Atty. Gadon, *Mendoza v. Atty. Gadon*,[71] in which the penalty of suspension was imposed on him for three months. In that case, he was already warned to be more circumspect with his actions in times of emotional outbursts:

> Atty. Gadon should be more circumspect in his actions and should control himself better in time of emotion outbursts. He should refrain from using abusive and intemperate language which displays arrogance towards the legal system and his colleagues.[72] (Underscoring supplied)

Section 38 of Canon VI on Accountability of the CPRA provides:

> **SECTION 38.** ***Modifying circumstances.*** — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:
>
> x x x x
>
> (a) Aggravating Circumstances:
>
> (1) Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity; x x x.

The Court likewise notes that numerous administrative cases have been filed against Atty. Gadon. Before the OBC are the following cases:

1. Admin. Case No. 11276, filed on April 08, 2016 by Sharief Agakan for misconduct;
2. Admin. Case No. 11275 filed on April 08, 2016 by Atty. Algamar Latiph for violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility and the Lawyer's Oath;
3. Admin. Case No. 11277 filed on April 08, 2016 by Atty. Mamarico Sansarona, Jr. for misconduct;
4. Admin. Case No. 12427 filed on December 17, 2018 by Ambulatory Healthcare Institute and Hernando Delizo (formerly CBD Case No. 15-4649, where the IBP Board of Governors recommended [Atty. Gadon's] suspension for two years, and for him to return the amount of Php700,000.00 to the Complainant); and
5. Admin Case No. 12464 filed on January 31, 2019 by Hernando Delizo (formerly CBD Case No. 15-4695, where the IBP Board of Governors recommended [Atty. Gadon's] suspension for six months to one year).[73]

Likewise, these are the pending cases against him before the IBP:

1. Atty. Wilfredo Garrdio Jr. v. Atty. Lorenzo Gadon, filed on May 15, 2018 (for submission of report and recommendation by the Investigating Commissioner);
2. CBD Case No. 18-5750, Zena Bernardo, et al. v. Atty. Lorenzo Gadon, filed on April 20, 2018 (for submission of report and recommendation by the Investigating Commissioner;
3. CBD Case No. 18-5751, Jover Laurio, et al. v. Atty. Lorenzo Gadon, filed on April 24, 2018 (for submission by the parties of their respective verified position papers); and
4. CBD Case No. 19-5977 (Adm Case No. 11275), Algamar Latiph et al, v. Atty. Lorenzo

> Gadon, consolidated with CBD Case No. 19-5978 (Adm Case No. 11276) BNMPD Rep by Agakhan Sharief v. Atty. Lorenzo Gadon, received from the Supreme Court on May 30, 2019 (for mandatory conference).[74]

Although these cases have yet to be decided, the volume of administrative complaints filed against Atty. Gadon indubitably speaks of his character.

Considering all the foregoing, the Court finds that Atty. Gadon's conduct merits the supreme penalty of disbarment.

This Court once again reminds all lawyers that they, of all classes and professions, are most sacredly bound to uphold the law.[75] The privilege to practice law is bestowed only upon individuals who are competent intellectually, academically and, equally important, morally.[76] As such, lawyers must at all times conduct themselves, especially in their dealings with their clients and the public at large, with honesty and integrity in a manner beyond reproach.[77] There is no room in this noble profession for misogyny and sexism. The Court will never tolerate abuse, in whatever form, especially when perpetrated by an officer of the court.

WHEREFORE, the Court finds Atty. Lorenzo G. Gadon **GUILTY** of violating the Code of Professional Responsibility and Accountability. He is **DISBARRED** from the practice of law. The Office of the Bar Confidant is **DIRECTED** to remove the name of Lorenzo G. Gadon from the Roll of Attorneys.

Furthermore, Lorenzo G. Gadon is found **GUILTY** of direct contempt of court. He is **FINED** the amount of Two Thousand Pesos (P2,000.00), to be paid within ten (10) days from receipt of this Decision.

Let copies of this Decision be furnished to the Office of the Bar Confidant, to be appended to respondent's personal record as a member of the Bar; the Integrated Bar of the Philippines; the Office of the Court Administrator, for dissemination to all courts throughout the country for their information and guidance; and the Department of Justice.

This Decision is immediately executory.

SO ORDERED.

Leonen, SAJ., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, Kho, Jr., and *Singh, JJ.*, concur.

Gesmundo,[*] *C.J.*, on official leave.

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[*] On official leave.

[1] *Rollo*, pp. 1-6.

[2] *Id.*

[3] *Id.* at 1.

[4] *Id.* at 1-2.

[5] Entitled "SAFE SPACES ACT," approved on April 17, 2019.

[6] *Rollo*, pp. 15-50.

[7] *Id.* at 18-22.

[8] *Id.* at 22-23.

[9] *Id.* at 23.

[10] *Id.* at 52-61.

[11] *Id.* at 61.

[12] Id. at 77. Also available at <https://twitter.com/raissawriter/status/1468897361082535938> (accessed on April 20, 2023).

[13] Id. at 77. Also available at <https://twitter.com/raissawriter/status/1468909569929736192> (accessed on April 20, 2023).

[14] Id. at 78. Also available at <https://twitter.com/raissawriter/status/1469145817886130180> (accessed on April 20, 2023).

[15] Id. at 78. Also available at <https://twitter.com/raissawriter/status/1469271586385821700> (accessed on April 20,

2023).

[16] *Id.* at 79. Also available at <https://twitter.com/raissawriter/status/1470008179585355788> (accessed on April 20, 2023).

[17] *Id.* at 29-30.

[18] *Id.* at 30.

[19] *Id.* at 31.

[20] *Id.* at 30-31.

[21] *Id.* at 38.

[22] *Id.* at 35-39.

[23] *Id.* at 40.

[24] 137 Phil. 112 (1969).

[25] *Rollo*, p. 43.

[26] *Id.* at 48.

[27] **Bataan Shipyard and Engineering Co., Inc. v. Consunji, A.C. No. 11439**, January 4, 2022.

[28] **A.C. No. 10612**, January 31, 2023.

[29] *Id.*, citing **Domingo-Agaton v. Atty. Cruz, A.C. No. 11023**, May 4, 2021.

[30] *Id.*, citing **Villarente v. Atty. Villarente, Jr., A.C. No. 8866**, September 15, 2020.

[31] **Domingo-Agaton v. Atty. Cruz, A.C. No. 11023**, May 4, 2021.

[32] Section 2 of the General Provisions of the CPRA provides:

> **SECTION 2. *Repealing clause***. — The Code of Professional Responsibility of 1988, Sections 20 to 37 of Rule 138, and Rule 139-B of the Rules of Court are

repealed.

The Lawyer's Oath, as found in Rule 138 of the Rules of Court, is amended and superseded.

Any resolution, circular, bar matter, or administrative order issued by or principles established in the decisions of the Supreme Court inconsistent with the CPRA are deemed modified or repealed.

[33] Section 3 of the General Provisions of CPRA reads:

SECTION 3. ***Effectivity clause***. — The CPRA shall take effect fifteen (15) calendar days after its publication in the Official Gazette or any newspaper of general circulation.

[34] Section 1 of the General Provisions mandates:

SECTION 1. ***Transitory provision.*** — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern. (Underscoring supplied)

[35] **G.R. No. 242866**, July 6, 2022.

[36] *Id.*

[37] *Rollo*, p. 23.

[38] 785 Phil. 784. (2016).

[39] *Id.* at 794-795.

[40] **P.E.T. Case No. 005** (Resolution), November 17, 2020.

[41] *Id.*, citing **Marcos v. Robredo, P.E.T. Case No. 005** (Resolution), August 28, 2018.

[42] **A.M. No. RTJ-22-022**, August 23, 2022.

[43] *Id.* at 14-16.

[44] 672 Phil. 1 (2011).

[45] *Id.* at 17.

[46] 604 Phil. 1 (2009).

[47] *Id.* at 9.

[48] **Roxas v. De Zuzuarregui, Jr.**, 554 Phil. 323, 327 (2007). Citations omitted.

[49] Entitled "THE OMBUDSMAN ACT OF 1989," approved on November 17, 1989.

[50] *Rollo*, pp. 18-20.

[51] **A.C. No. 13504**, January 31, 2023.

[52] *Id.*, citing **Bunagan-Bansig v. Atty. Celera**, 724 Phil. 141 (2014).

[53] **A.C. No. 10612**, January 31, 2023.

[54] *Id.*

[55] 792 Phil. 535 (2016).

[56] *Id.* at 540.

[57] *Supra* note 24.

[58] *Rollo*, pp. 30-31.

[59] **A.C. No. 12883**, March 2, 2021.

[60] *Id.*

[61] 801 Phil. 570 (2016).

[62] 613 Phil. 352 (2009).

[63] **Belo-Henares v. Guevarra**, *supra* note 61, at 588.

[64] 744 Phil. 451 (2014).

[65] *Id.* at 479.

[66] *Rollo*, pp. 35-39.

[67] Section 1. *Direct contempt punished summarily*. – A person guilty of misbehavior in the presence of or so near a court as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, offensive personalities toward others, or refusal to be sworn or to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by such court and punished by a fine not exceeding two thousand pesos or imprisonment not exceeding ten (10) days, or both, if it be a Regional Trial Court or a court of equivalent or higher rank, or by a fine not exceeding two hundred pesos or imprisonment not exceeding one (1) day, or both, if it be a lower court. (Emphasis supplied)

[68] 546 Phil. 431 (2007).

[69] **A.C. No. 10612**, January 31, 2023.

[70] *Id.*

[71] **A.C. No. 11810** (Resolution), June 26, 2019.

[72] *Id.*

[73] *Rollo*, p. 8.

[74] *Id.* at 175.

[75] **In re: Pactolin**, 686 Phil. 351, 356 (2012), citing **Resurreccion v. Sayson**, 360 Phil. 313, 315 (1998).

[76] *Id.*

[77] *Id.*

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