

Title: Request of the Public Attorney's Office to Delete Section 22, Canon III of the Proposed Code of Professional Responsibility and Accountability

Facts:

The detailed facts of the case step by step, including how it reached the Supreme Court, are as follows:

- The Chief of the Public Attorney's Office (PAO), Atty. Persida V. Rueda-Acosta, wrote a letter dated April 20, 2023, to Chief Justice Alexander G. Gesmundo requesting the removal and temporary non-implementation of Section 22, Canon III of the Proposed Code of Professional Responsibility and Accountability (CPRA), which specifically pertains to conflict of interest situations in the PAO.
- Atty. Acosta's contention was that the provision discriminates against public attorneys by treating them differently from other members of the legal profession regarding conflict of interest and would be detrimental to the marginalized sectors they serve.
- On June 6, 2023, Atty. Acosta reiterated her concerns and requested a dialogue with the Chief Justice.
- The Court noted that Atty. Acosta's concerns mirrored those provided in her earlier comment dated September 15, 2022, about the proposed CPRA and had been deliberated upon with various stakeholders before approving the CPRA on April 11, 2023.
- The CPRA took effect on May 30, 2023, following its publication. However, in response to Atty. Acosta's persistence, the Supreme Court agreed to discuss the issue further.

Issues:

The issues before the Supreme Court were:

1. Whether Section 22, Canon III of the CPRA should be removed or temporarily not implemented as requested by the PAO.
2. Whether the assailed provision violates the equal protection clause or any other constitutional tenet.
3. Whether the directive of Section 22, Canon III of the CPRA contravenes the organizational structure and mandate of the PAO as established under its charter and operations manual.

Court's Decision:

The Philippine Supreme Court denied the request by Atty. Acosta on the grounds that Section 22, Canon III of the CPRA was designed to ensure that indigent clients are not left without representation, should the PAO face a conflict of interest. The Court asserted its

constitutional power to regulate the practice of law, including the CPRA, and stipulated that the provision did not violate the equal protection clause as it was based on a substantial distinction between the PAO and other law entities, not on the economic status of clients. The Court also ruled that Section 22, Canon III does not contradict the operational guidelines of the PAO as argued by Atty. Acosta. As part of the resolution, Atty. Acosta was ordered to show cause why she should not be cited for indirect contempt and disciplined as a member of the bar for her actions against the CPRA, including soliciting opposition through social media and other public forums.

Doctrine:

This Supreme Court decision affirmed the exclusive authority of the Court to prescribe standards of conduct for members of the bar (Canon III of the CPRA) and upheld the importance of ensuring that conflict of interest does not preclude indigent clients from accessing legal aid from the PAO.

Class Notes:

- Regulation of the legal profession: The Supreme Court has constitutional authority to prescribe rules concerning the conduct of lawyers (Sec. 5(5), Article VIII of the Constitution).
- Conflict of Interest Defined: Occurs when a lawyer represents inconsistent or opposing interests of two or more persons (Sec. 13, Canon III of the CPRA).
- Imputation of Conflicts: Imputation of a conflict of interest in the PAO is limited to the lawyer directly handling the case and the lawyer's supervisor, allowing other PAO lawyers to represent affected clients with full disclosure and informed consent (Section 22, Canon III of the CPRA).
- Equal Protection Clause: Different treatment based on the unique role of PAO in relation to its nature and purpose and not on the economic status of clients is not a violation.
- Supreme Court's Authority on Rule Making: The Court has the power to promulgate rules regarding legal assistance to the underprivileged and define what constitutes a conflict of interest for the legal profession.

Historical Background:

The Public Attorney's Office has a distinct and pivotal role in the Philippine justice system as the primary legal aid service of the government, particularly committed to providing free legal assistance to indigent individuals. This case historically situates the CPRA's construction of conflict of interest within the statutory framework of the PAO's mandate, juxtaposed against the Court's broader constitutional prerogative to regulate the legal

profession - foregrounding issues on access to justice, lawyer-client fiduciary relationships, and the institutional integrity of the PAO vis-à-vis legal and ethical standards for attorneys.