

Title: Maria Victoria G. Belo-Henares vs. Atty. Roberto “Argee” C. Guevarra

Facts:

Maria Victoria G. Belo-Henares, Medical Director and principal stockholder of the Belo Medical Group, Inc. (BMGI), filed an administrative complaint for disbarment against her alleged competitor, Atty. Roberto “Argee” C. Guevarra. The complaint was based on multiple Facebook posts made by Guevarra that were derogatory and defamatory toward Belo-Henares, accusing her of malpractice following a client’s botched cosmetic surgery procedure. The complaint stated that Guevarra’s Facebook posts sought to inspire public hatred and ruin Belo-Henares’ reputation, as well as to close BMGI’s operations and extort P200 Million from Belo-Henares.

The case went through proceedings at the Integrated Bar of the Philippines (IBP) which included mandatory conferences, filing of position papers, and a clarificatory hearing. Guevarra argued that the complaint violated his right to privacy contending that the Facebook posts were private and shared only with his circle of friends. He also claimed to be exercising his freedom of speech and noted the dismissal of criminal cases filed by his client Norcio against Belo-Henares.

The IBP Commission on Bar Discipline recommended a one-year suspension for Guevarra, finding him guilty of misconduct. Guevarra then moved for reconsideration, leading to a reduction of the suspension to six months. Still dissatisfied, the case was escalated to the Supreme Court for final adjudication.

Issues:

1. Does Atty. Guevarra’s right to privacy protect the derogatory posts made on his Facebook account?
2. Do the Facebook posts constitute protected speech under the freedom of expression?
3. Is there sufficient cause to hold Atty. Guevarra administratively liable for his social media conduct?

Court’s Decision:

The Supreme Court held Atty. Guevarra administratively liable, affirming the findings of the IBP but reinstating the penalty of a one-year suspension from the practice of law. The Court debunked Guevarra’s privacy defenses, ruling that he failed to show he employed Facebook’s privacy settings to restrict access to his posts appropriately and noting how social media content can quickly become public regardless of these settings. The derogatory

language used in the posts was not considered protected speech, and the Court determined that Guevarra's actions were unbecoming of a lawyer as they violated the Code of Professional Responsibility by disrespecting and undermining the reputation of the complainant and BMGI.

#### Doctrine:

The case reiterates the doctrine that a lawyer's conduct, public or private, must adhere to the ethical standards of the profession. Specifically, it underscores the application of Rules 7.03, 8.01, and 19.01 of the Code of Professional Responsibility in the context of social media usage. The Court emphasized that even posts on social media platforms can lead to administrative sanctions if they demonstrate misconduct that reflects adversely on a lawyer's fitness to practice law.

#### Class Notes:

- The Code of Professional Responsibility requires lawyers to act with decorum and refrain from engaging in conduct that reflects adversely on their fitness to practice law, whether on social media or elsewhere.
- Rule 7.03: A lawyer shall not engage in scandalous behavior discrediting the legal profession.
- Rule 8.01: A lawyer should not use abusive, offensive, or otherwise improper language in his professional dealings.
- Rule 19.01: A lawyer shall employ only fair and honest means to attain lawful objectives and not present unfounded criminal charges for improper advantage.

#### Historical Background:

The case prominently addresses the intersection of technology, privacy, ethics, and the conduct expected of legal professionals in the digital age. It illustrates the evolving challenges and standards facing legal practitioners with the advent of social media, where private remarks can quickly become public, and conventional boundaries between personal and professional life are blurred as legal professionals navigate their online presence. This decision from the Supreme Court of the Philippines sets a precedent and provides guidance for the appropriate use of social media by lawyers in the context of their professional responsibilities and duties.