

**\*\*Title:\*\*** Atty. Orlando V. Dizon vs. Atty. Marichu C. Lambino

**\*\*Facts:\*\*** The incident that prompted this case was the tragic death of University of the Philippines (UP) student Dennis Venturina during a campus brawl on December 8, 1994. In response, Chancellor Roger Posadas of UP Diliman requested the National Bureau of Investigation's (NBI) assistance for the apprehension of the suspects involved. On December 12, 1994, NBI's Atty. Orlando Dizon and his team attempted to take into custody two suspects, Francis Carlo Tapanan and Raymundo Narag, from UP's security office, commanded by Colonel Eduardo Bentain.

Atty. Marichu Lambino, UP Diliman's legal counsel, along with Chancellor Posadas, Vice Chancellor Rosario Torres-Yu, and Colonel Bentain, objected to the transfer of the suspects to NBI custody on the grounds that the NBI officers lacked an arrest warrant. The discussion turned heated, culminating in the suspects being allowed to return to their dormitories under the promise they would present themselves to the NBI the following day. This event led to Atty. Dizon filing complaints against Atty. Lambino for violating the Code of Professional Responsibility and obstructing the apprehension and prosecution of criminal offenses.

The complaints were lodged with the Integrated Bar of the Philippines (IBP) and consolidated. The IBP ultimately recommended the dismissal of the complaint against Atty. Lambino and reprimanded Atty. Dizon for attempting a warrantless arrest.

**\*\*Issues:\*\***

1. Did Atty. Lambino's refusal to hand over the student suspects to NBI officials constitute a violation of the Code of Professional Responsibility?
2. Did Atty. Dizon's attempt to arrest the suspects without a warrant violate the Code of Professional Responsibility?

**\*\*Court's Decision:\*\***

The Supreme Court dismissed the complaint against Atty. Lambino, upholding her actions as legal and within her duties to protect the students' rights under UP's substitute parental authority and current laws, given the NBI agents' lack of warrants for arrest. Conversely, Atty. Dizon was found guilty of violating the Code of Professional Responsibility by attempting to make a warrantless arrest, in disregard of the constitutional mandate requiring a warrant for such actions.

**\*\*Doctrine:\*\*** The case reaffirmed the principle that warrantless arrests without legal

justification are a violation of the Code of Professional Responsibility, highlighting the importance of adhering to constitutional rights and legal processes in the conduct of law enforcement actions.

**\*\*Class Notes:\*\***

- Importance of Arrest Warrants: Law enforcement officers must possess an arrest warrant, barring specific exceptions dictated by law, to lawfully detain suspects.
- Legal Responsibilities of Lawyers: Lawyers are bound to uphold the Constitution and obey the laws, promoting respect for law and legal systems, as specified in Canon 1, Rule 1.02 of the Code of Professional Responsibility.
- Code of Professional Responsibility: The Code serves as a foundational ethical guideline for lawyers, outlining their duties to the legal system, their clients, and the public.

**\*\*Historical Background:\*\*** The case arose in the context of tension between academic institutions' autonomy and law enforcement's duties, particularly in handling criminal matters within university premises. The death of Dennis Venturina, a notable student and council chairperson, underscored the challenges of campus security and the legal complexities of criminal investigation in educational settings.