

Title: Anonymous Complaint Against Atty. Cresencio P. Co Untian, Jr. – A Case on Sexual Harassment and Professional Misconduct in the Philippine Legal Education Setting

Facts:

An anonymous complaint dated May 14, 2002, was filed against Atty. Cresencio P. Co Untian, Jr., a law professor at Xavier University, Cagayan de Oro City, alleging sexual harassment against students Antoinette Toyco, Christina Sagarbarria, and Lea Dal. The complaint, written in the local dialect by an unidentified “law practitioner,” included affidavits from the alleged victims and a Resolution from the Committee on Decorum and Investigation recommending non-renewal of Untian’s teaching contract based on violations of Xavier’s anti-sexual harassment guidelines.

Untian’s position was one of denial, attributing the complaints to disgruntled students who failed his class in the academic year 2001-2002, asserting the innocence and casualness of his interactions with the complainants.

The Integrated Bar of the Philippines (IBP) Suspension and Disbarment Proceedings initially recommended a two-year suspension for Untian, affirming his misconduct but not categorizing his actions as sexual harassment under Republic Act No. 7877 (the Anti-Sexual Harassment Law of the Philippines). Upon reconsideration, the recommendation was amended to a disbarment, then modified back to a two-year suspension to align with the view that Untian’s actions, albeit inappropriate, did not fit the legal definition of sexual harassment under the law.

Issues:

1. Whether Untian’s behavior constituted sexual harassment under Republic Act No. 7877.
2. Appropriate disciplinary action for conduct unbecoming of a member of the legal profession.
3. Whether Untian’s actions created an intimidating, hostile, or offensive environment violating guidelines against sexual harassment in an educational setting.

Court’s Decision:

The Philippine Supreme Court found Untian guilty of sexual harassment as defined by RA 7877, emphasizing that his actions had created a hostile and offensive environment for his students. The Court clarified that sexual harassment in the educational setting is broadly defined, not requiring an overt demand for sexual favors to be classified as such.

By a detailed examination of Untian’s actions – showing a lewd picture to Sagarbarria,

sending inappropriate messages to Toyco, and making a sexually charged remark to Dal - the Court concluded he had indeed abused his authority, resulting in a hostile environment for his students. Therefore, the Court modified the IBP's recommendation, imposing a five-year suspension from practicing law and a ten-year prohibition from teaching law.

Doctrine:

The case reiterates the doctrine that sexual harassment in an educational environment is not limited to explicit demands for sexual favors but extends to any action that creates an intimidating, hostile, or offensive environment for students, underscoring the essence of sexual harassment as an abuse of power by the offender.

Class Notes:

1. Sexual Harassment under RA No. 7877: Defined in broad terms, emphasizing power dynamics and the creation of a hostile environment, not merely the solicitation of sexual favors.
2. Legal Ethics and Professional Conduct: Members of the legal profession are expected to exhibit good moral character and decorum, with misconduct attracting disciplinary action.
3. Abuse of Authority: The wielding of power in educational settings to sexually harass constitutes a significant abuse, deserving strict sanctions.
4. Interpretation of "Sexual Harassment": Includes actions or remarks with sexual undertones that create an uncomfortable educational environment.

Historical Background:

This case illustrates the evolving understanding and broad interpretation of sexual harassment within the Philippine legal system, particularly in professional and educational contexts. It underscores the judiciary's role in protecting individuals from power abuse, reflecting societal efforts to address and penalize sexual harassment more effectively.