

Title:

Re: Anonymous Complaint Against Atty. Cresencio P. Co Untian, Jr. for Sexual Harassment

Facts:

The case revolves around an anonymous complaint filed on May 14, 2002, against Atty. Cresencio P. Co Untian, Jr., alleging his sexual harassment of students at Xavier University, Cagayan de Oro City. Three students, Antoinette Toyco, Christina Sagarbarria, and Lea Dal, were specifically mentioned as victims in the complaint. The complainant, identified only as a “law practitioner,” later provided further details, including the victims’ affidavits and the Committee on Decorum’s resolution at Xavier.

Toyco described unwelcome romantic gestures from Untian, including flowers and texts with romantic undertones. Sagarbarria recounted an incident where Untian showed her a lewd photo, suggesting it was her, in view of other students, deeply humiliating her. Dal experienced sexual insinuation during a class recitation, which Untian allegedly joked about in his other classes. The Committee on Decorum recommended non-renewal of Untian’s teaching contract for violating the university’s anti-sexual harassment guidelines.

Untian responded, attributing the complaints to disgruntled failing students, and attempted to justify or deny his actions towards each complainant.

Issues:

1. Whether Untian’s actions constituted sexual harassment under R.A. No. 7877, the “Anti-Sexual Harassment Law of 1995.”
2. Whether Untian’s conduct was unbecoming of a member of the legal profession.

Court’s Decision:

The Supreme Court modified the IBP-BOG’s penalty, focusing on whether Untian’s actions amounted to education-related sexual harassment under R.A. No. 7877. The Court affirmed that sexual harassment in an educational setting does not necessitate a direct or categorical demand for sexual favors. The essence of sexual harassment is the abuse of power, not necessarily the violation of the victim’s sexuality.

The Court found that Untian’s actions towards Sagarbarria, Dal, and Toyco indeed constituted sexual harassment, creating an intimidating, hostile, or offensive environment. His conduct was deemed grossly unbecoming of a member of the legal profession, violating the Code of Professional Responsibility’s mandates on lawful and moral behavior. Untian was suspended from the practice of law for five years and from teaching law for ten years,

with a stern warning of more severe penalties for similar future offenses.

Doctrine:

The Supreme Court clarified that sexual harassment, particularly in an educational setting, does not require an explicit request or demand for sexual favors. The law targets the abuse of power which manifests through sexually charged conduct or behavior with sexual undertones, creating an intimidating, hostile, or offensive environment for the victim.

Class Notes:

- **Sexual Harassment under R.A. No. 7877**: Defined broadly to include any unwanted sexual advances or conduct that creates a hostile or offensive environment, not necessarily involving an explicit demand for sexual favors.
- **Professional Conduct**: Lawyers are expected to uphold the highest moral standards, both in their public and private lives, reflecting on their fitness to practice law.
- **Legal Educators**: Law professors bear a heightened responsibility to exemplify ethical behavior and integrity, serving as role models for future members of the legal profession.

Historical Background:

This case underscores the evolving understanding and stringent standards against sexual harassment within the legal profession and educational institutions in the Philippines. It highlights the judiciary's role in upholding ethical conduct and protecting individuals from abuse of power, reinforcing the importance of maintaining a safe and respectful learning environment.