

**\*\*Title:\*\***

Atty. Ireneo L. Torres and Mrs. Natividad Celestino vs. Atty. Jose Concepcion Javier

**\*\*Facts:\*\***

1. **\*Initial Complaint:\*** On November 26, 2002, Atty. Ireneo L. Torres and Mrs. Natividad Celestino filed a complaint against Atty. Jose Concepcion Javier for malpractice, gross misconduct, and violation of the lawyer's oath.
2. **\*Context of Allegations:\*** The conflict originated from two labor cases before the Bureau of Labor Relations (BLR), Department of Labor and Employment (DOLE), where Atty. Javier, acting as legal counsel, allegedly made defamatory statements against the complainants.
3. **\*First Cause of Action:\*** In the first case, "NCR-OD-0105-004-LRD" (audit case), Atty. Javier filed an "Urgent Motion to Expedite with Manifestation and Reiteration of Position" claiming that the complainants were involved in a robbery to conceal documents necessary for an audit. He compared the situation to the Andersen/Enron scandal.
4. **\*Second Cause of Action:\*** In the second case, "NCR-OD-0201-0005-LRD" (attorney's fees case), Atty. Javier used language deemed abusive, offensive, and inconsistent with the character expected of an attorney in his "Reply to Respondents (Torres and Marquez) Answer/Comment."
5. **\*Third Cause of Action:\*** In the same reply for the attorney's fees case, Atty. Javier made assertions regarding the unethical practices of notaries public, claiming that it was common for unauthorized persons to perform notarial acts, further denigrating the integrity of the legal profession.
6. **\*Respondent's Defense:\*** Atty. Javier admitted anger influenced his statements, stating he was defending his clients from false allegations and felt obliged to inform the BLR about the purported burglary to expedite the audit case resolution.
7. **\*Procedural Posture:\*** The case was investigated by the Integrated Bar of the Philippines (IBP), which found Atty. Javier guilty of using inappropriate and offensive remarks, recommending a reprimand. The IBP Board of Governors approved this recommendation.

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

1. Did Atty. Javier's statements in the "Motion to Expedite" and other pleadings violate professional conduct rules, specifically by making false and malicious imputations?

2. Were Atty. Javier's retaliatory remarks in his pleadings against Atty. Torres appropriate under the Code of Professional Responsibility?
3. Was the assertion about unethical practices by notaries public relevant and within the professional bounds in the context of the pleadings?

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

1. **\*\*First Cause of Action:\*\***

- The Court upheld that Atty. Javier's remarks in the "Motion to Expedite" were related to the subject of the controversy (the audit) and thus within protected privilege despite potential falsity.

2. **\*\*Second Cause of Action:\*\***

- The Court found Atty. Javier's retaliatory statements (e.g., accusations of "lying through his teeth," and implicitly questioning Atty. Torres's mental competence) to be irrelevant and not pertinent to the issue of attorney's fees. Such language breached the Code of Professional Responsibility which mandates courtesy, fairness, and propriety, irrespective of personal feelings.

3. **\*\*Third Cause of Action:\*\***

- Despite the defamatory tone regarding notarial practices, the statements were deemed relevant to defending his clients against accusations of forgery. Atty. Javier was thus given the benefit of the doubt concerning this aspect.

**\*\*Doctrine:\*\***

- Professional decorum is crucial, even amidst heated litigation. Lawyers must maintain the dignity of the profession by avoiding offensive and irrelevant language in pleadings.
- Absolute privilege in pleadings requires relevance and pertinence to the judicial issues at hand.

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

1. **\*Key Elements/Concepts:\***

- **\*\*Canon 8, Code of Professional Responsibility:\*\*** Lawyers must conduct themselves with courtesy, fairness, and candor towards colleagues, avoiding any offensive language.
- **\*\*Privilege in Judicial Proceedings:\*\*** Statements made in the course of judicial proceedings are protected if pertinent and relevant.

2. **\*Statutory Provisions:\***

- **\*\*Rule 138, Rules of Court:\*\*** Ethical obligations and conduct standards for lawyers.

- **Code of Professional Responsibility, Canon 8, Rule 8.01:** Prohibits abusive or offensive language in legal dealings.

**Historical Background:**

- The case highlights the tensions in professional legal relationships within academic institutions and labor unions in the early 2000s in the Philippines.

- Reflects the Supreme Court's emphasis on maintaining decorum and ethical standards in legal practice amidst personal conflicts.