

****Title: Maximino Noble III vs. Atty. Orlando O. Ailes, A.C. No. 10746, June 10, 2022****

****Facts:****

On August 18, 2010, Atty. Orlando O. Ailes filed a complaint for damages against his brother, Marcelo O. Ailes Jr., whom was represented by Maximino Noble III, along with other defendants. In the complaint, Orlando used outdated information regarding his IBP dues and MCLE compliance. Specifically, his IBP receipt was from 2009, and he listed his second MCLE compliance instead of the required third.

In December 2011, Maximino discovered through Marcelo that Orlando had made derogatory comments about him via text messages, suggesting that Marcelo terminate Maximino's services. Orlando accused Maximino of incompetence and charging exorbitant fees, terms like "polpol" (stupid) were used.

Further, Orlando prepared documents—Notice to Terminate Services of Counsel, and Compromise Agreement—indicating that Maximino was performing inadequately, which Orlando sent to Marcelo for his signature.

Maximino filed a disbarment complaint against Orlando on April 16, 2012, citing violations of Rule 7.03 of Canon 7, the entirety of Canon 8 of the Code of Professional Responsibility (CPR), and Bar Matter (BM) Nos. 850 and 1922.

Orlando denied the charges, claiming good faith in his private communication with his brother and the notices being at Marcelo's request.

A separate criminal case for grave threats and estafa filed by Marcelo against Orlando was reduced to unjust vexation. Orlando pleaded guilty and was convicted on June 19, 2012.

The Integrated Bar of the Philippines (IBP) Commissioner recommended dismissal of the disbarment case, deeming the violations not sufficiently grave. The IBP Board of Governors adopted this report, dismissing the case but warning Orlando to be more cautious.

Maximino's motion for reconsideration was denied on May 3, 2014, removing the warning. Maximino then filed a petition for review on certiorari before the Supreme Court.

****Issues:****

1. Whether Orlando violated Rule 7.03 of Canon 7 and Canon 8 of the Code of Professional

Responsibility.

2. Whether the late submission of MCLE compliance can be grounds for disbarment.

Court's Decision:

The court found that:

1. Orlando violated Rule 7.03 of Canon 7 and Canon 8. The text messages with terms such as “polpol” were insulting and aimed at disparaging Maximino, which is unbecoming of a legal professional. Orlando’s admission of guilt in the criminal case for unjust vexation supported this.

2. The late submission of MCLE compliance does not warrant disbarment. Violations regarding MCLE compliance merely affect the procedural standing of the case, not the lawyer’s fitness to practice law.

Doctrine:

- **Lawyer’s Conduct:** Rule 7.03 of Canon 7 and Canon 8 of the CPR demand that lawyers maintain a high standard of conduct, both in public and private life, and refrain from using offensive language or engaging in behavior that reflects poorly on the legal profession.

- **MCLE Compliance:** Bar Matter No. 1922 stipulates that failure to disclose MCLE compliance details in pleadings can lead to procedural consequences such as dismissal but is not a ground for disbarment.

Class Notes:

- **Canon 7, Rule 7.03:** Avoid conduct harmful to the legal profession’s reputation.

- **Canon 8, Rule 8.01 and 8.02:** Interpersonal courtesy and fairness between legal professionals avoid encroaching upon the employment of another lawyer.

Verbatim Citation:

- “A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.” — CPR, Rule 7.03, Canon 7.

Citation for MCLE:

- “Failure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records.” — BM No. 1922.

****Historical Background:****

The case primed the legal community on the standards of conduct expected from lawyers. It reiterated the relevance of professional decorum in both official capacities and private interactions, underscoring the legal profession's public trust aspect. The evolution of MCLE compliance punctuated lawyers' ongoing education's importance, although procedural lapses in compliance were distinct from personal misconduct penalties.