

**\*\*Title:\*\*** Spouses Manolo and Milinia Nuezca vs. Atty. Ernesto V. Villagarcia, A.C. No. 10303 (2018)

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

1. On February 15, 2009, respondent Atty. Ernesto V. Villagarcia sent a demand letter to complainants Spouses Manolo and Milinia Nuezca, alleging their involvement in several credit-related cases and imputing crimes such as issuing worthless checks and estafa.
2. The demand letter, considered libelous by the complainants, was circulated to various offices and individuals.
3. Complainants claimed the letter caused them sleepless nights, emotional distress, and besmirched their reputation, thus filing a verified complaint for disbarment against respondent for grave misconduct.
4. On July 22, 2009, the Court directed the respondent to file a comment, but notices to respond were returned unserved. Complainants were ordered to provide an accurate address of the respondent but failed to do so.
5. The Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, but both parties failed to appear for mandatory hearings scheduled.
6. The IBP ordered the submission of position papers and evidence, but the respondent did not comply.
7. IBP Commissioner Honesto A. Villamor recommended respondent's suspension for three (3) months for violating ethical conduct and defying IBP's lawful orders.
8. The IBP Board of Governors adopted and modified this resolution, recommending a six (6) month suspension but deleting the fine imposed.

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

1. Whether Atty. Ernesto V. Villagarcia should be held administratively liable for the allegations in the verified complaint.
2. Whether the language used in the demand letter constituted a violation of Rule 8.01 of Canon 8 of the Code of Professional Responsibility (CPR).

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

1. **\*\*Administrative Liability:\*\*** The Supreme Court examined the case records and partially concurred with the IBP's findings. The Court acknowledged that the respondent's failure to reply to the verified complaint and to attend IBP hearings left complainants' allegations uncontroverted.
2. **\*\*Unethical Conduct:\*\*** The Court found that the demand letter contained language that was abusive, offensive, and improper, which violated Rule 8.01 of Canon 8 of the CPR. The

respondent could have made the demand for settlement without imputing criminal liability and using demeaning language.

3. **Penalty:** The Court noted that the recommended penalty by the IBP was not commensurate with the offense. Based on precedent cases, the Court decided on a more appropriate penalty of a one (1) month suspension from the practice of law, emphasizing the need for dignified and respectful language by legal professionals.

**Doctrine:**

- **Rule 8.01, Canon 8 of the Code of Professional Responsibility:** Prohibits the use of abusive, offensive, or otherwise improper language in professional dealings.
- **Canon of Legal Ethics (Language Use):** Legal practitioners should use emphatic but respectful and not derogatory or offensive language.

**Class Notes:**

- **Key Elements/Concepts:**
- **Professional Responsibility:** Lawyers must avoid using offensive or improper language.
- **Administrative Procedure:** Failure to respond to complaints and orders can lead to an adverse judgment.
- **Legal Ethics:** Maintaining dignity and respect in legal correspondence is paramount.
  
- **Relevant Citations:**
- **Rule 8.01 of Canon 8 (CPR):** Abusive, offensive, or improper language is prohibited.
- **Section 3, Rule 138 (Rules of Court):** Emphasizes a lawyer's duty to respect lawful orders and the ethical practice of law.

**Historical Background:**

The context of this case arises from the need to uphold the integrity and ethical standards of the legal profession in the Philippines. As officers of the court, lawyers are expected to avoid conduct that maligns individuals or brings the profession into disrepute. This decision reinforces the importance of compliance with ethical standards and the consequences of failing to do so.