

Title: Fabugais vs. Faundo, Jr.

Facts:

In 2006, a complaint was filed by Oliver Fabugais against Atty. Berardo C. Faundo Jr., charging conduct unbecoming of a lawyer due to alleged immoral relations with his (Fabugais's) wife, Annaliza Fabugais. Key events included a 10-year-old girl, Marie Nicole Fabugais, observing Atty. Faundo embracing her mother in bed and an incident where Atty. Faundo, clad in only a towel, entered a room instructing others to leave so he could be alone with Annaliza. The complaint also detailed confrontational incidents between Fabugais and Faundo, including a motorcycle chase where Faundo allegedly threatened Fabugais. Annaliza was being represented by Faundo in a custody battle with Fabugais.

Despite Faundo's denial of any immoral behavior and claims of professional assistance in Annaliza's custody case, multiple incidents raised reasonable suspicion of misconduct. The case for disbarment was initiated after Fabugais filed the complaint, primarily supported by his daughter's sworn statements.

Procedurally, the case was forwarded to the Integrated Bar of the Philippines (IBP) following recommendations from the IBP-ZAMBASULTA Chapter Board in 2007. The IBP Investigating Commissioner proposed suspension based on Rule 1.01 of the Code of Professional Responsibility because Faundo's behavior suggested the appearance of immorality, though explicit misconduct was not confirmed. The IBP Board of Governors approved this recommendation. Subsequently, the complainant passed away, fostering uncertainty regarding pursuing the complaint. The IBP nonetheless resolved the respondent's motion for reconsideration in 2013 by reaffirming the initial suspension decision.

Issues:

1. Whether Atty. Faundo engaged in acts of gross immorality that violated the Code of Professional Responsibility.
2. Whether the evidence presented sufficiently supports the respondent's alleged misconduct to justify suspension from legal practice.

Court's Decision:

1. The Supreme Court found insufficient evidence of explicit immoral acts, yet adjudged Atty. Faundo's conduct as inappropriate, creating the appearance of immorality contrary to Rule 1.01. The decision emphasized the imperative for lawyers to uphold professional

integrity, especially before impressionable minors. Thus, although not constituting gross immorality, Faundo's actions were censurable and warranted sanction.

2. The chasing incidents were dismissed due to inadequate proof against Faundo. Concerning Atty. Faundo's general conduct, there was sufficient ground to enforce sanctions owing to behavior unbecoming of a lawyer by engaging in conduct perceived as scandalous, undermining public confidence in the legal profession.

#### Doctrine:

This case reasserts the principles under Canon 7 and Rule 7.03 of the Code of Professional Responsibility that obligate lawyers to maintain high moral standards privately and publicly, and to avoid conduct adversely reflecting on their fitness to practice law.

#### Class Notes:

- Elements of Misconduct for Lawyers: Evidence of conduct unbecoming of a member of the bar that violates professional standards.
- Canon 7 of CPR: Preservation of the legal profession's dignity.
- Rule 7.03 CPR: Addresses personal conduct impacting one's professional standing, discouraging scandalous behavior.

#### Historical Background:

The case occurred during a period when the Philippine legal community faced heightened scrutiny on ethical conduct. Concerns surrounding the legal profession's integrity prompted robust enforcement of ethical standards, stressing the importance of lawyers as upholders of societal trust and justice.

In sum, *Fabugais vs. Faundo* highlights the judiciary's role in regulating legal practitioners' conduct beyond explicit legal violations to encompass broader moral expectations, particularly in privacy aspects impacting public perception and trust in the profession.