EN BANC

[A.M. No. 23-05-05-SC. July 11, 2023]

REQUEST OF THE PUBLIC ATTORNEY'S OFFICE TO DELETE SECTION 22, CANON III OF THE PROPOSED CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY

R E S O L U T I O N

SINGH, J.:

This refers to the April 20, 2023 Letter[1] of the Chief of the Public Attorney's Office (**PAO**), Atty. Persida V. Rueda-Acosta (Atty. Acosta), to Chief Justice Alexander G. Gesmundo (**Chief Justice Gesmundo**). In the said letter, Atty. Acosta prayed that:

1) ***SECTION 22, CANON III*** of the Proposed Code of Professional Responsibility and Accountability, to wit:

> "SECTION 22. Public Attorney's Office; conflict of interest. – The Public Attorney's Office is the primary legal aid service of the government. In the pursuit of its mandate under its charter, the Public Attorney's Office shall ensure ready access to its services by the marginalized sectors of society in a manner that takes into consideration the avoidance of potential conflict of interest situations which will leave these marginalized parties unassisted by counsel.
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> A conflict of interest of any of the lawyers of the Public Attorney's Office incident to services rendered for the Office shall be imputed only to the said lawyer and the lawyer's direct supervisor. Such conflict of interest shall not disqualify the rest of the lawyers from the Public Attorney's Office from representing the affected client, upon full disclosure to the latter and written informed consent."

be **REMOVED**, so that public attorneys will be governed by the remaining provisions on conflict of interest applicable to all members of the legal profession, without discrimination and qualification; and

2) Section 22, Canon III of the New Code of Professional Responsibility be **TEMPORARILY NOT IMPLEMENTED** pending a second look and review by all members of the Supreme Court *En Banc* on its constitutionality, and determination of whether it is detrimental to the integrity of the justice system, public service and public trust, and safety of the life and limb of public attorneys.[2] (Emphasis and underscoring in the original)

In a subsequent letter,[3] dated June 6, 2023, Atty. Acosta reiterated concerns regarding Sec. 22, Canon III of A.M. No. 22-09-01-SC or the Code of Professional Responsibility and Accountability (**CPRA**) and requested a dialogue with Chief Justice Gesmundo.

The Court notes that the matters raised by Atty. Acosta in the letters, dated April 20, 2023 and June 6, 2023, are mere reiterations of the comments on the proposed CPRA contained in her September 15, 2022 Letter to Chief Justice Gesmundo. In resolving to approve the CPRA on April 11, 2023, the Court completely passed upon and deliberated on the subject comments, together with the comments of other stakeholders collated during the extensive consultations conducted by the Court in five major cities across the country that spanned a period of more than five months. Following its publication in the Philippine Star and the Manila Bulletin on May 14, 2023, the CPRA took effect on May 30, 2023.[4]

Nevertheless, in order to put the matter to rest, the Court shall discuss the issues raised by Atty. Acosta. Preliminarily, the Court lays down the basis for the assailed provision.

The Constitutional Power of the Court to Regulate the Practice of Law

The exclusive authority of the Court to prescribe the standards of conduct that the members of the bar must observe stems from its constitutional mandate to regulate the admission to the practice of law, which necessarily includes the authority to regulate the practice of law itself, under Section 5(5), Article VIII of the Constitution:

> **SECTION 5**. The Supreme Court shall have the following powers:
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> x x x x
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> (5) **Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance**

> **to the underprivileged**. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court. (Emphasis supplied)

In the exercise of the powers granted to it by the above-quoted provision, the Court adopted the Code of Professional Responsibility (**CPR**) in 1988. More than 30 years later, the Court promulgated the CPRA, which superseded the CPR. Contrary to Atty. Acosta's claims, therefore, the Court was exercising a constitutionally vested power when it promulgated the CPRA.

Conflict of Interest under the CPRA

Out of its 22 Canons and 77 Rules, only one provision of the CPR directly dealt with conflict of interest. Rule 15.03 of the CPR states the general prohibition against the representation of conflicting interests and the exception thereto. It provides that"[a] lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts." However, the CPR does not define what conflict of interest is. The definition of conflict of interest contemplated by the prohibition, as well as the test for the determination of the existence thereof, were provided by jurisprudence. The CPRA has now codified these principles.

Sec. 13, Canon III of the CPRA provides that "[t]here is conflict of interest when a lawyer represents inconsistent or opposing interests of two or more persons." It further states that "[t]he test is whether in behalf of one client it is the lawyer's duty to fight for an issue or claim, but which is his or her duty to oppose for the other client." The foregoing provisions were based on the Court's ruling in *Mabini Colleges, Inc. v. Atty. Pajarillo*,[5] wherein the Court, citing its earlier pronouncements, not only discussed the concept of conflict of interest, but also explained the rationale for the prohibition against it:

> This rule prohibits a lawyer from representing new clients whose interests oppose those of a former client in any manner, whether or not they are parties in the same action or on totally unrelated cases. **Based on the principles of public policy and good taste, this prohibition on representing conflicting interests enjoins lawyers not only to keep inviolate the client's**

confidence, but also to avoid the appearance of treachery and double-dealing for only then can litigants be encouraged to entrust their secrets to their lawyers, which is of paramount importance in the administration of justice. In *Maturan v. Gonzales*, we further explained the rationale for the prohibition:

> The reason for the prohibition is found in the relation of attorney and client, which is one of trust and confidence of the highest degree. A lawyer becomes familiar with all the facts connected with his client's case. He learns from his client the weak points of the action as well as the strong ones. Such knowledge must be considered sacred and guarded with care. **No opportunity must be given him to take advantage of the client's secrets. A lawyer must have the fullest confidence of his client. For if the confidence is abused, the profession will suffer by the loss thereof**.

Meanwhile, in *Hornilla v. Salunat*, we explained the test to determine the existence of conflict of interest:

> **There is conflict of interest when a lawyer represents inconsistent interests of two or more opposing parties. The test is "whether or not in behalf of one client, it is the lawyer's duty to fight for an issue or claim, but it is his duty to oppose it for the other client. In brief, if he argues for one client, this argument will be opposed by him when he argues for the other client."** This rule covers not only cases in which confidential communications have been confided, but also those in which no confidence has been bestowed or will be used. Also, there is conflict of interests if the acceptance of the new retainer will require the attorney to perform an act which will injuriously affect his first client in any matter in which he represents him and also whether he will be called upon in his new relation to use against his first client any knowledge acquired through their connection. Another test of the inconsistency of interests is whether the acceptance of a new relation will prevent an attorney from the full discharge of his duty of

> undivided fidelity and loyalty to his client or invite suspicion of unfaithfulness or double dealing in the performance thereof.[6] (Emphasis supplied; citations omitted)

In recognition of the nuanced conflict of interest problems that lawyers face in practice, the CPRA sets forth an extensive set of conflict-of-interest rules, which were partly based on the American Bar Association's Model Rules of Professional Conduct.

While only one rule[7] under the CPR deals with the prohibition against conflict of interest, the CPRA devotes 10 sections to the subject, covering the various scenarios where the prohibition may apply. In connection with the status of the relationship between the lawyer and the client, the prohibition against conflict of interest representation is presented under three scenarios involving: (a) prospective clients (Section 17); (b) current clients (Section 14); and former clients (Section 18). The other provisions on conflict of interest pertain to lawyers employed by specific organizations: lawyers joining law firms (Section 15), corporate lawyers (Section 19), lawyers in legal services organizations (Section 20), and government lawyers (Section 21), including the PAO (Section 22).

The conflict of interest rule pertaining to the PAO states:

> **SECTION 22.** ***Public Attorney's Office; conflict of interest***. –The Public Attorney's Office is the primary legal aid service office of the government. In the pursuit of its mandate under its charter, the Public Attorney's Office shall ensure ready access to its services by the marginalized sectors of society in a manner that takes into consideration the avoidance of potential conflict of interest situations which will leave these marginalized parties unassisted by counsel.
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> **A conflict of interest of any of the lawyers of the Public Attorney's Office incident to services rendered for the Office shall be imputed only to the said lawyer and the lawyer's direct supervisor. Such conflict of interest shall not disqualify the rest of the lawyers from the Public Attorney's Office from representing the affected client, upon full disclosure to the latter and written informed consent**. (Emphasis supplied)

A similar rule is provided in the case of legal services organizations. Sec. 20, Canon III

provides:

> **SECTION 20.** ***Legal services organization; conflict of interest.*** – A legal services organization is any private organization, including a legal aid clinic, partnership, association, or corporation, whose primary purpose is to provide free legal services.
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> **A lawyer-client relationship shall arise only between the client and the handling lawyers of the legal services organization. All the lawyers of the legal services organization who participated in the handling of a legal matter shall be covered by the rule on conflict of interest and confidentiality**. (Emphasis supplied)

The foregoing rules strike a balance between access to justice and the need to preserve the fiduciary relationship between the lawyer and the client. The CPRA recognizes that unlike other clients who can seek legal assistance elsewhere should their counsel of choice be unable to represent them due to a conflict of interest, indigent clients, who go to the PAO and legal aid organizations less out of choice than out of necessity, are left with no legal representation if these entities cannot represent them. On the other hand, indigent clients must also be assured of the loyalty and confidentiality characteristic of attorney-client relationships, which are essential to the administration of justice.

Limiting the conflict of interest rule to the handling lawyers seeks to guarantee access to legal representation by the poor without compromising the fiduciary relationship between the lawyer and the client. Verily, the Court adopted Sec. 22, Canon III of the CPRA in the exercise not only of its power to regulate the practice of law, but also of its constitutional prerogative to promulgate rules concerning legal assistance to the underprivileged. It is well to note here, that it is the PAO's principal mandate to provide free legal assistance to indigents.[8]

Sec. 22, Canon III rests on substantial distinction between the PAO and other lawyers

Atty. Acosta insists that the PAO should be treated like a regular law firm in the sense that prospective clients approach it "not so much because of their trust and confidence to the individual lawyer but primarily because of their trust and confidence in the entire office."

She contends that when the PAO's services are engaged, there arises a lawyer-client relationship between the client and the PAO itself, not just with the individual lawyer handling the case. For this reason, she attests that the PAO's "clients will never agree for their adversaries to be represented by PAO." Otherwise, there would be a conflict-of-interest representation which would intensify the clients' uncertainty and insecurity as to whether they could obtain justice through their "free" government lawyers.[9]

Atty. Acosta's view that the PAO is one law firm is echoed in the Respectful Manifestos[10] purportedly executed by various PAO lawyers throughout the country. Except for those executed by the Legal Research Service and the Special and Appealed Cases Service, the Respectful Manifestos all conclude:

> There is only ONE Public Attorney's Office with ONE enabling law – Republic Act No. 9406 and ONE Chief Public Attorney. We work on ONE budget with ONE Central Office vindicating ONE Motto, ONE Mission and ONE Vision. ***We cannot allow any form of tool to be utilized to sow dissension, partisan and contentious quarreling among PAO lawyers in the handling of cases to the detriment of our beloved Public Attorney's Office***. To direct the lawyers of PAO to represent parties with cases involving conflicting interests would only lead to ***chaos*** and ***eventually a frustration of the justice*** that our clients need – JUSTICE AGAINST POVERTY.[11] (Emphasis and underscoring in the original)

The CPRA has six canons, none of which is "unity." The Court finds this an opportune time to remind the PAO of its main purpose under Sec. 14, Chapter 5, Title III, Book IV of Executive Order No. 292[12] (**EO 292**), as amended by Republic Act No. (**RA**) 9406,[13] to"[extend] free legal assistance to indigent persons in criminal, civil, labor, administrative and other quasi judicial cases."

The PAO's predecessor, the Citizen's Legal Assistance Office, finds its origin in the Integrated Reorganization Plan,[14] established by Presidential Decree No. 1[15] and Letter of Implementation No. 4.[16] Article XIV, Chapter I, Part XXI, of the Integrated Reorganization Plan reads:

ARTICLE XIV

Citizens Legal Assistance Office

1. There is created a Citizens Legal Assistance Office under the Department of Justice, hereinafter referred to as the Office, which shall be headed by a Chief Citizens Attorney and a Deputy Chief Citizens Attorney.
2. The Office shall have **the function of representing, free of charge, indigent persons** mentioned in Republic Act No. 6035, **or the immediate members of their family, in all civil, administrative and criminal cases where after due investigation interest of justice will be served thereby**, except agrarian reform cases which shall be handled by the Bureau of Agrarian Legal Assistance of the Department of Agrarian Reform and such cases as are now handled by the Department of Labor. (Emphasis supplied)

A reading of these laws points to the clear mandate of the PAO to extend free legal assistance to indigent persons. These laws uniformly refer to "cases," which traditionally and conceptually mean actual disputes or controversies pending before judicial, quasi-judicial and administrative bodies. Between an indigent accused incarcerated without bail, and a potential victim in the eyes of the PAO, its mandate definitely requires it to render service to the former, and not engage in the solicitation of yet to be filed cases.

In truth, comparing the PAO to a private law firm readily debunks Atty. Acosta's claim. First and foremost, the PAO is created by law, while private law firms are established by the agreement of the partners comprising the firm. Second, the PAO is governed by EO 292, as amended by RA 9406, while private law firms are governed by the Civil Code of the Philippines, related laws and their respective by-laws. Third, the PAO primarily caters to indigent clients, while private law firms can choose whomever they want to serve. Fourth and most importantly, private law firms can and may operate for profit, while the PAO should not. In other words, the standards by which the PAO carries its mandate, are totally distinct from those used by private law firms.

Far from what Atty. Acosta believes (that their clients choose them "because of their trust and confidence in the entire office"), those who approach the PAO choose them solely by reason of their indigency. The Court is not persuaded by the PAO's submission that Sec. 22, Canon III of the CPRA violates the equal protection clause.

Atty. Acosta argues:

> With all due respect, the poor was singled out. While paying clients are assured that all members of the law office they engaged will have utmost loyalty to their

> cause and will help one another to protect their interests, indigents are not given the same assurance. Your Honor, individuals who approach the PAO are always in a state of helplessness, hopelessness, and desperation. Because of their dire financial standing and being so lowly in life, they come to PAO with the preconceived notion that their "free" government lawyers will not be as loyal, diligent, persistent, and competent as private practitioners. If only they have the financial means, they would definitely engage the services of private practitioners. With all due respect, the subject provision of the [CPRA] enables further doubts and misgivings.
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> It cannot be argued that since indigents receive legal aid and assistance free of charge, they have no choice but to accept the fact that their counsels' fidelity to their cause may be compromised. With all due respect this totally goes against our standard of social justice as expressed by President Ramon Magsaysay: *Those who have less in life should have more in law*.[17] (Italics in the original)

What Atty. Acosta clearly overlooked is that Sec. 22, Canon III did not distinguish indigent clients from paying clients. What the CPRA considered in making a distinction under this section is the nature and purpose of the PAO and those of private law firms. As previously discussed, there are stark differences between the two. Whereas a private law firm laboring under a conflict of interest can be replaced by another law firm or even a solo practitioner engaged by the potential paying client, indigents who count solely on the PAO do not have any option.

Furthermore, far from convincing the Court to reconsider Sec. 22, Canon III because allegedly individuals who approach the PAO have a preconceived notion that "free" government lawyers are not as "loyal, diligent, persistent, and competent as private practitioners," the Court must remonstrate with the PAO that, even assuming for the sake of argument that certain individuals do perceive the PAO in this manner, the lawyers of the PAO should be the first to fight and dispel any such notion that prospective clients might have. It is thus surprising that Atty. Acosta herself invokes this when she should find it disturbing. The PAO's time is better devoted therefore to erasing this notion through efficient, reliable, and accessible services 24/7.

Atty. Acosta also claims that, in approving Sec. 22, Canon III, the Court singled out the poor, perhaps hoping to rally them to her cause. On the contrary, Sec. 22, Canon III ensures that

all indigents will now have the opportunity to be represented by competent lawyers from the PAO, and are not precluded from doing so even if their adversaries have already approached the PAO first. In this regard, the Court finds no merit in the PAO's contention that Sec. 22, Canon III is "antithetical to adequate legal assistance" and poses a "serious threat" to the right to speedy disposition of cases, which is grounded entirely on conjectures, surmises, and speculations not supported by any evidence.

To reiterate, the CPRA was promulgated by the Court in the exercise of its rule-making power under the Constitution. To justify its nullification, there must be a clear and unmistakable breach of the Constitution. Here, the imputation of constitutional infirmity is flimsy and insubstantial.

As regards the high cost and inconvenience that indigent litigants may incur and suffer in securing the services of the PAO, the challenged rule rather ensures the availability of the PAO for all indigent litigants, thus expanding their access to free and competent legal services.

The alleged inconsistencies between Sec. 22, Canon III on the one hand, and RA 9406 and the 2021 Revised PAO Operations Manual, on the other hand, are more apparent than real

Atty. Acosta invokes the PAO Charter and Revised Operations Manual to assert that Sec. 22, Canon III of the CPRA is contrary to the organizational set-up of the PAO. Under Section 7 of RA 9406, it is provided that "[t]here shall be a corresponding number of public attorney positions at the ratio of one public attorney to an organized *sala* and the corresponding administrative and support staff thereto." Atty. Acosta claims that Sec. 22, Canon III runs counter to the distribution of plantilla items as implemented by the PAO and the Department of Budget and Management pursuant to their power to adopt and issue implementing rules and regulations for the effective implementation of the law under Section 12 of RA 9406.[18]

Finally, Atty. Acosta argues that Sec. 22, Canon III "intrudes" upon the policies, rules, and regulations contained in the 2021 Revised PAO Operations Manual issued by herself by virtue of her powers under Section 16, Chapter 5, Title III, Book IV of EO 292, as amended by RA 9406:

> **SECTION 16.** *The Chief Public Attorney and Other PAO Officials*. — The PAO shall be headed by a Chief Public Attorney and shall be assisted by two (2) Deputy Chief Public Attorneys. Each PAO Regional Office established in each of the administrative regions of the country shall be headed by a Regional Public Attorney who shall be assisted by an Assistant Regional Public Attorney. **The authority and responsibility for the exercise of the mandate of the PAO and for the discharge of its powers and functions shall be vested in the Chief Public Attorney**. (Emphasis supplied)

The arguments are baseless. The Court finds no inconsistency or repugnancy between RA 9406 and the 2021 Revised PAO Operations Manual, on the one hand, and Sec. 22, Canon III, on the other hand. A plain reading of Sec. 7 of RA 9406 shows that the said provision concerns the number of public attorney positions, which, as provided for in the law, must be equivalent to the number of the organized *salas*. Only in Atty. Acosta's imagination does the CPRA affect the number of PAO positions and their court assignments. Meanwhile, the 2021 Revised PAO Operations Manual "sets forth, defines and consolidates the policies, issuances, and procedures to be observed by the [PAO] lawyers and employees in the handling, recording and reporting of cases, and in rendering other forms of legal services to indigents and other persons qualified for free legal assistance."[19] Certainly, the rules regarding PAO's operations lie within its sole ambit, but once those rules and procedures intersect actual court proceedings and judicial remedies, what the Court directs is supreme.

Sec. 22, Canon III of the CPRA stripped to its core, merely states that the PAO cannot indiscriminately invoke conflict of interest in cases where its services have been engaged by one of the parties when its assistance is sought by another party. Conflict of interest only sets in for the handling public attorney and his or her direct supervisor.

Certainly, the Court, in the exercise of its exclusive power to regulate the practice of law, has the concomitant authority to define conflict of interest and to determine its scope. This definition and determination is binding on all members of the Philippine Bar, the PAO included. It cannot be simply disregarded by anyone, much less the PAO, which should be an exemplar of respect for the Constitution and obeisance to the Supreme Court of the land.

To reiterate, the policy behind Sec. 22, Canon III of the CPRA is to promote the poor's access to legal assistance by limiting the imputation of conflict of interest to public attorneys who had actual participation in the case. While the Court commiserates with the

PAO, it cannot be blind to the plight of the indigents, who are often left without legal representation due to the indiscriminate invocation of conflict of interest by the PAO, whose primary statutory mandate is to provide legal assistance to the poor.

Directives to Atty. Acosta

In a public post on the social media platform Facebook, Atty. Acosta urged her audience to"[s]ee if the intent of the proponent [of the assailed rule] is to destroy [the] tranquility and credibility of [the] justice and legal aid system." She also posted on her Facebook page the following questions:

(a) "Be VIGILANT & See! Who is using 'Divide and Rule Policy' to destroy UNITY, PROGRESS, & PEACE?"

(b) "Will you let to be tools (sic) in causing dissension, partisan and contentious quarelling (sic) among PAO lawyers at PAO? YES or NO?"

(c) "The Public Attorney's Office (PAO) has been strengthened thru RA no. 9406, why would you weaken it thru a chaotic move?"

(d) "May iisang INA, bakit kayo mag-aaway-away na magkakapatid at magkakasama sa iisang tanggulan ng katarungan????" (You only have one mother. Why would siblings and members of the same defender of justice quarrel???)

The Court also notes that Atty. Acosta launched a public campaign against Sec. 22, Canon III of the CPRA by posting several videos of the PAO lawyers, employees, and clients expressing their opposition to Sec. 22, Canon III of the CPRA. She also publicized the contents of the letters subject of this case in several newspapers.

At the risk of repetition, the Court stresses that contrary to what Atty. Acosta is insinuating, the objections have been duly taken into account by the Court in its deliberations on the CPRA. However, after due consideration, the Court found no merit in the PAO's arguments and resolved to retain the assailed provision.

While most agree that the right to criticize the judiciary is critical to maintaining a free and democratic society, there is also a general consensus that healthy criticism only goes so far. Many types of criticism leveled at the judiciary cross the line to become harmful and irresponsible attacks. These potentially devastating attacks and unjust criticism can threaten the independence of the judiciary.[20] There is a clear line between legitimate

criticism and illegitimate attack, which undermine the people's confidence in judiciary.

The Court finds that Atty. Acosta's statements and *innuendos* in her Facebook posts and newspaper publications tend, directly or indirectly, to impede, obstruct, or degrade the administration of justice, within the purview of Section 3 (d), Rule 71 of the Rules of Court, which provides:

> Section 3. *Indirect contempt to be punished after charge and hearing*. — After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt;
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> x x x x
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> **(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;**
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> x x x x
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> But nothing in this section shall be so construed as to prevent the court from issuing process to bring the respondent into court, or from holding him in custody pending such proceedings. (Emphasis supplied)

In light of the foregoing, Atty. Acosta is directed to **SHOW CAUSE** why she should not be cited in indirect contempt of court, within an inextendible period of ten (10) days from notice.

Intemperate and unfair criticism also constitutes a gross violation of the duty to respect the courts that subjects the lawyer to disciplinary action. This is because the membership in the Bar imposes upon a person no burden more basic than that of maintaining at all times the respect due to the courts of justice, which is essential to the orderly administration of justice.[21] Canon 11 of the CPR enjoins lawyers to observe and maintain the respect due to the courts and to judicial officers. This is echoed in Sec. 2, Canon II of the CPRA which requires lawyers to respect the courts. The CPRA further imposes on lawyers the duty to uphold the dignity of the legal profession in all social media interactions in a manner that enhances the people's confidence in the legal system, as well as promote its responsible use.

Moreover, resort to social and print media to air one's grievances against tribunals poses a significant threat to the independence of the judiciary and constitutes a violation of Secs. 14 and 42, Canon II of the CPRA, when they are unfounded:

> **SECTION 14.** ***Remedy for Grievances; Insinuation of Improper Motive.*** – A lawyer shall submit grievances against any officer of a court, tribunal, or other government agency only through the appropriate remedy and before the proper authorities.
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> Statements insinuating improper motive on the part of any such officer, which are not supported by substantial evidence, shall be ground for disciplinary action.
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> **SECTION 42.** ***Prohibition Against Influence Through Social Media.*** — A lawyer shall not communicate, whether directly or indirectly, with an officer of any court, tribunal, or other government agency through social media to influence the latter's performance of official duties.

In light of the foregoing, Atty. Acosta is further directed to **SHOW CAUSE** why she should not be disciplined as a Member of the Bar.

WHEREFORE, the Public Attorney's Office's request that Section 22, Canon III of the Code of Professional Responsibility and Accountability be removed and temporarily not implemented is **DENIED** for lack of merit. The Public Attorney's Office is directed to strictly comply with the Code of Professional Responsibility and Accountability, specifically, Section 22, Canon III.

Atty. Persida V. Rueda-Acosta is directed to **SHOW CAUSE**, within an inextendible period of ten (10) days from notice, why she should not be cited in indirect contempt.

She is further ordered to **SHOW CAUSE**, within an inextendible period of ten (10) days from notice, why she should not be disciplined as a member of the bar for violation of Canon II, Sections 2, 14, and 42 of the Code of Professional Responsibility and Accountability.

Atty. Persida V. Rueda-Acosta and all other lawyers of the Public Attorney's Office are **DIRECTED** to refrain from making further statements relative to the subject matter of this case in any forum. Atty. Acosta is lastly instructed to cease all efforts to contact, directly or indirectly, any Member of the Court in regard to this matter.

SO ORDERED.

Gesmundo, C.J., Leonen, SAJ., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, and *Kho, Jr., JJ.*, concur.

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[1] *Rollo*, pp. 1-22.

[2] *Id.* at 19-20.

[3] *Id.* at 622-625.

[4] CPRA, General Provisions, Sec. 3, provides:

> **SECTION 3.** ***Effectivity clause***. — The CPRA shall take effect fifteen (15) calendar days after its publication in the Official Gazette or any newspaper of general circulation.

[5] 764 Phil. 352 (2015).

[6] *Id.* at 358-359.

[7] Rule 15.03 provides that "[a] lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts."

[8] Republic Act No. 9406 (2007), Sec. 14.

[9] *Rollo*, pp. 2-3.

[10] *Id.* at 23-310.

[11] *Id.* at 28, 45, 52, 78, 89, 104, 114, 156, 176, 187, 199, 231, 245, 268, 277, 288-289, 299, and 308.

[12] Entitled "INSTITUTING THE 'ADMINISTRATIVE CODE OF 1987,"' approved on July 25, 1987.

[13] Entitled "AN ACT REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY'S OFFICE (PAO), AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF EXECUTIVE

ORDER No. 292, OTHERWISE KNOWN AS THE 'ADMINISTRATIVE CODE OF 1987', AS AMENDED, GRANTING SPECIAL ALLOWANCE TO PAO OFFICIALS AND LAWYERS, AND PROVIDING FUNDS THEREFOR," approved on March 23, 2007.

[14] Approved on February 1972.

[15] Entitled "REORGANIZING THE EXECUTIVE BRANCH OF THE NATIONAL G0VERNMENT," approved on September 24, 1972.

[16] Entitled "IMPLEMENTING THE ABOLITION OF THE OFFICE OF THE AGRARIAN COUNSEL, THE TRANSFER OF APPLICABLE APPROPRIATIONS, RECORDS, EQUIPMENT PROPERTY AND NECESSARY PERSONNEL TO THE BUREAU OF AGRARIAN LEGAL ASSISTANCE UNDER THE DEPARTMENT OF AGRARIAN REFORM, AND THE CREATION OF THE CITIZENS LEGAL ASSISTANCE OFFICE UNDER THE DEPARTMENT OF JUSTICE," approved on October 23, 1972.

[17] *Rollo*, p. 5.

[18] *Id.* at 2-3.

[19] 2021 Revised Public Attorney's Office (PAO) Operations Manual, Chapter I, Art. I.

[20] *Re: Letter of the UP Law Faculty entitled "Restoring Integrity: A Statement… etc.*", 648 Phil. 1, 11 (2010).

[21] **In re: Almacen v. Yaptinchay**, 142 Phil. 353, 371 (1970).

Date created: December 18, 2023