

BERNADETTE C. ONCINES, COMPLAINANT, VS. ATTY. BERTENI C. CAUSING, RESPONDENT.*A.C. No. 11508, June 10, 2026*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-11508/>**PER CURIAM:**

This is an administrative case which stemmed from a Complaint-Affidavit[1] for disbarment filed by complainant Bernadette C. Oncines (Oncines) against respondent Atty. Berteni C. Causing (Atty. Causing) before the Office of the Bar Confidant (OBC) for alleged violations of the Code of Professional Responsibility (CPR).

The Antecedents

At the time of the filing of the present case, Oncines was an employee of Branch 2, Regional Trial Court, Butuan City (RTC Butuan) as Court Legal Researcher II. On the other hand, Atty. Causing served as counsel of Angelita Tan Licup (Licup), whose land registration case was pending at RTC Butuan and docketed as CAD Case No. 1, Cad. Rec. No. 321 (Lot No. 447).

Sometime in 2014, Oncines was designated as officer-in-charge (OIC), Branch Clerk of Court of RTC Butuan. In her capacity as such, she issued a Certification on October 8, 2014 (Certification) which states that per the court's docket, Lot No. 447 owned by a certain Hong C. See, appears to be the subject of CAD Case. No. 1, Cad. Rec. No. 321 (Lot No. 447).[2]

On June 29, 2016, Licup came to RTC Butuan claiming that Atty. Causing advised her to ask for a new certification from the court to the effect that the October 8, 2014 Certification issued by Oncines was of no force and effect. However, Oncines advised Licup that she was no longer the OIC of RTC Butuan and suggested that the latter put the request in writing or that Atty. Causing file the necessary pleading before the court. On the same day, Atty. Causing arrived at RTC Butuan and angrily shouted at Oncines, demanded that she retract the Certification she previously issued, and mentioned the possibility of filing an administrative case against her. Despite Atty. Causing's aggression, Oncines asked Licup to return to the office in the afternoon as she will have to confer with the presiding judge and the clerk of court regarding the matter.[3] On the same day, Oncines submitted an incident report to her presiding judge.[4]

After conferring with Presiding Judge Emmanuel E. Escatron (Judge Escatron) and their branch clerk of court, Oncines advised Licup's representative that she no longer has authority to retract the Certification as requested considering that she is no longer OIC Branch Clerk of Court.[5]

Atty. Causing endorsed Licup's administrative complaint against Oncines to the Court on July 1, 2016.[6] Believing that Atty. Causing promoted the malicious and unfounded suit against her, Oncines filed the present Verified Complaint for disbarment against Atty. Causing. Oncines likewise alleges that Atty. Causing committed conduct unbecoming of a lawyer for insisting that she retract the October 8, 2014 Certification.[7]

Report and Recommendation of the Integrated Bar of the Philippines

In her Report and Recommendation[8] dated August 4, 2022, Investigating Commissioner Leilani V. Escueta (Commissioner Escueta) recommended Atty. Causing's suspension from the practice of law for two years.

Commissioner Escueta likewise recommended that Atty. Causing be further suspended for an additional six months for his failure to comply with the resolutions of the Court, prior to the referral of the case to the IBP. Her recommendation reads as follows:

WHEREFORE, premises considered, it is hereby recommended that Respondent Atty. Berteni Causing be suspended from the practice of law for two (2) years. This Office notes that in the case of *Enrico R. Velasco v. Atty. Berteni Causing*, A.C. No. 12883, March 2, 2021, the Supreme Court has suspended herein Respondent for a period of one (1) year for violation of Canon 1, Canon 13 and Canon 19, with stern warning that a repetition of the same shall be dealt with more severely.

Moreover, for failure of Respondent to comply with the Resolutions of the Supreme Court, prior to the case's referral to the IBP, and for his failure to submit his Mandatory Conference Brief and Position Paper with the Commission on Bar Discipline, Respondent should also be meted another six-month suspension pursuant to the case of *Radian Golden Marine Services Corporation vs. Atty. Michael M. Cabugoy*, A.C. No. 8869, June 25, 2019.

Respectfully Submitted.[9]

Commissioner Escueta found that Oncines had proved by substantial evidence that Atty. Causing violated his duty to observe and maintain the respect due to the courts of justice and judicial officers, and his professional responsibility not to promote or sue any false or groundless suit nor give aid or consent to the same. On the contrary, Atty. Causing failed to rebut the charges filed against him by simply making general denials in his comment and for failing to submit any documentary evidence or any witness affidavit which could have substantiated or corroborated his claims. Further, the records disclose that Atty. Causing failed to file his position paper with the Commission on Bar Discipline (CBD).[10]

Resolution of the IBP Board of Governors

In a Notice of Resolution[11] dated November 12, 2022, the Board of Governors of the IBP modified the penalty to suspension from the practice of law for a period of two and a half years, viz.:

RESOLVED, to MODIFY, as it is hereby [MODIFIED], the Report and Recommendation of the Investigating Commissioner, to recommend instead the imposition upon Respondent Atty. Berteni C. Causing of the penalty of SUSPENSION from the practice of law for TWO and a HALF YEARS.[12] (Emphasis supplied)

Issue

Whether respondent violated the Code of Professional Responsibility and Accountability (CPRA).

Ruling of the Court

After a judicious perusal of the records of the case, the Court adopts the findings of IBP, but modifies the penalty to be imposed upon respondent.

Jurisprudence dictates that the proper evidentiary threshold in disbarment cases is substantial evidence,[13] which is the amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[14] Hence, complainants bear the burden of proving their allegations in their respective complaints by substantial evidence. The burden is obviously not satisfied when a complainant relies on mere assumptions and suspicions as evidence.[15] If they fail to show in a satisfactory manner the facts upon which their claims are based, the respondent is not obliged to prove their exception or defense.[16]

In the present case, the complainant has partially discharged such burden and was able to establish her allegations through substantial evidence—that respondent had indeed violated the CPRA for failing to maintain respect due to the courts and judicial officers—but not for promoting any groundless or baseless suit against complainant. As

found by Commissioner Escueta, the complainant submitted certified true copies of the following: (a) her letter to the Prosecutor's Office;[17] (b) Licup's Complaint-Affidavit;[18] (c) respondent's indorsement of Licup's Complaint-Affidavit;[19] (d) Licup's Complaint-Affidavit filed with the Court; (e) 2014 Certification issued by complainant in relation to CAD Case No. 1, Cad. Rec. 321;[20] (f) Official Receipt of the 2014 Certification;[21] and (g) Joint-Affidavit of complainant's co-employees, Sherwin Berol and Jestoni Lagare, who witnessed the incident and corroborated her claims.[22]

On the other hand, respondent merely made general statements of denial of complainant's allegations against him and failed to submit any documentary evidence or affidavit to support his position. Respondent made presumptuous statements regarding the reason behind the filing of the present case, baselessly imputing bad faith on complainant and even on Judge Escatron.

Respondent failed to observe and maintain respect towards the Court, in violation of the CPRA

It cannot be overemphasized that it is the sworn duty of a lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance.[23] His duty is to uphold the dignity of and authority of the courts to which he owes fidelity, and not to promote distrust in the administration of justice.[24]

Such standard is also reiterated by no less than the CPRA,[25] which took effect on May 29, 2023[26] and applies to all pending and future cases.[27] Canon II, Section 2 of the CPRA provides:

SECTION 2. Dignified conduct. — A lawyer shall respect the law, the courts, tribunals and other government agencies, their officials, employees and: processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

As Licup's counsel, it was incumbent upon respondent to observe and maintain respect towards the courts. Unfortunately, however, he was the first to cast doubt towards the court's authority when he angrily shouted at complainant and arrogantly demanded that she explain why she issued such Certification when she had no discretion to do so, in the presence of Licup and her co-employees.[28]

Further, the records reveal that respondent's Mandatory Conference Brief filed before the IBP contained blatant yet baseless accusations of partiality and malice against Judge Escatron. Respondent therein insists that Judge Escatron convinced complainant to file the present case against him out of spite and revenge for lawyering administrative cases filed against Judge Escatron.[29] Even granting that such claims were true, such personal attacks against Judge Escatron should have been reserved for a different forum. As officers of the Court, lawyers should refrain from attributing to a judge motives not supported by record or have no materiality to the case.[30]

This Court has likewise previously had the opportunity to address respondent's inclusion of slanderous statements regarding Judge Escatron outside of the proper legal fora. In the case of *Hidalgo v. Causing*,[31] Hidalgo alleged that respondent has imputed that Judge Escatron received from the latter PHP 16,000,000.00 in exchange for issuing a writ of demolition in a separate case. The Court ruled that such matter was covered by a separate disciplinary case against Judge Escatron and was immaterial to respondent's pending suits against unrelated parties. The Court found respondent's statements regarding Judge Escatron in such cases unnecessary, and these showed his lack of respect for the Judiciary and revealed his failure to uphold the principles of honesty and fairness—all of which reflected his unfitness to practice law.

Such slanderous remarks and menacing language against members of the bench and their employees show that

respondent lacks reverence towards the courts. The use of intemperate language and unkind ascription can hardly be justified nor does it have a place in the dignity of judicial forum. Furthermore, while the Court has recognized the right of lawyers to criticize judges, said right does not constitute an unbridled license to malign and insult the court and its officers.[32] As the Court stated in *Alpajora v. Calayan*,[33] "[N]o matter how passionate a lawyer is towards defending his client's cause, he must not forget to display the appropriate decorum expected upon him, a member of the legal profession, and to continue to afford proper and utmost respect due to the courts." [34]

Respondent repeatedly failed to comply with directives of the IBP-CBD

The IBP found that respondent had unjustifiably failed to comply with its directives to file his position paper, as well as attend the Mandatory Conference[35] despite having received due notice thereof.[36] As an officer of the Court, respondent is expected to know that the directives of the IBP, as the investigating arm of the Court in administrative cases against lawyers, are not mere requests but lawful orders which should be complied with promptly and completely.[37]

Respondent's blatant noncompliance with these directives indicates a lack of respect for the Court and the IBP's rules and procedures-which is tantamount to willful disobedience of the lawful orders of the Court. This violates Canon III, Section 2 of the CPRA:

SECTION 2. The responsible and accountable lawyer. – A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession....

As an officer of the court, it is a lawyer's duty to uphold the dignity and authority of the court. The highest form of respect for judicial authority is shown by a lawyer's obedience to court orders and processes.[38]

There is no substantial evidence to support that respondent promoted any groundless, false or unlawful suit against complainant

Complainant likewise alleged that respondent promoted the filing of an unfounded suit against a personnel of the court. Licup's Counter-Affidavit[39] explicitly states:

Para. 29. Then Atty. Berteni C. Causing asked me to request a certification from the woman who signed the certification from the woman who signed the certification (sic) to issue a certificate that the same certification dated October 8, 2014 has no legal effect.

. . . .

Para 64. Atty. Causing told Mrs. Oncines if you will not give us a certificate to retract the certification that you issued, we will file a case against you at the Supreme Court and that Atty. Causing will insist for her to be dismissed from the service because the court has not been helping the people of Butuan who are poor like us so that these people are seeking help from lawyers in Manila.

Para 65. Atty. Causing also told her, "kaya ayusin niyo mga trabaho nyo."

Time and again, this Court has emphasized that lawyers must not only guard themselves, but also their respective clients, against their impulse of initiating groundless suits.[40] Canon II, Section 13 of the CPRA provides for the

following:

SECTION 13. Imputation of a Misconduct, Impropriety, or Crime without Basis. — A lawyer shall not, directly or indirectly, impute to or accuse another lawyer of a misconduct, impropriety, or a crime in the absence of factual or legal basis.

Neither shall a lawyer, directly or indirectly, file or cause to be filed, or assist in the filing of frivolous or baseless administrative, civil, or criminal complaints against another lawyer.

However, it must also be noted that no person shall be penalized for exercising his right to litigate, especially when done in good faith. As officers of the court, lawyers must contribute to the overall system for the proper administration of justice. Thus, lawyers should avoid any unethical practices that could hamper the effective and efficient administration of justice.[41]

In this case, complainant insisted that respondent promoted the filing of a groundless suit against her, as evidenced by his statement that he will be filing an administrative case against complainant as he was leaving the premises of the court and his formal endorsement of Licup's Affidavit-Complaint.

At best, this specific conduct may establish that respondent supported Licup's filing of an administrative case against complainant. However, such support does not clearly prove that the case filed against complainant was done for a malicious purpose, and thus, cannot be classified with certainty as a frivolous and baseless suit.

Proper Penalty

The Court notes that respondent has been previously found guilty of violating the CPR multiple times.

In *Velasco v. Atty. Causing*,[42] the Court suspended respondent from the practice of law for a period of one year for violating the confidentiality of an ongoing family court proceeding by publishing the pleadings on social media. In the 2022 case of *Lao v. Atty. Causing*,[43] the Court disbarred Atty. Causing from the practice of law for violating the CPR and the Lawyer's Oath when he once again utilized social media to publish defamatory accusations of Plunder against Lao and other individuals. Finally, in the most recent case of *Hidalgo v. Atty. Causing*,[44] as discussed previously, the Court once again sentenced him to disbarment from the practice of law.

Verily, respondent's multiple disciplinary actions show that he has the propensity to violate the Lawyer's Oath, and that he has repeatedly failed to live up to the exacting ethical standards imposed upon members of the Bar. The Court notes however that the penalty of disbarment or suspension cannot again be imposed on a lawyer who has already been disbarred. Once a lawyer is disbarred, there is no penalty that can be imposed regarding his privilege to practice law.[45] Nonetheless, while the Court can no longer impose the penalty upon a disbarred lawyer, it can still give the corresponding penalty only for the sole purpose of recording it in his personal file with the OBC, which should be taken into consideration in the event the disbarred lawyer subsequently files a petition for reinstatement.[46]

Here, respondent violated the CPR in 2016 or six years before he was disbarred in 2022. It must be emphasized that the Court does not lose its jurisdiction over other offenses committed by a disbarred lawyer while he was still a member of the profession or prior to his disbarment. By imposing a fine, the Court is able to assert its authority and competence to discipline all acts and actions committed by the members of the legal profession.[47] In fact, no less than the CPRA dictates that the Court may choose to impose a fine upon a disbarred lawyer when subsequently found guilty of a new charge.[48] It is likewise well settled that the determination of the appropriate penalty to be imposed on an errant lawyer involves the exercise of sound judicial discretion based on the facts of the case.[49]

Under Section 39 of the PRA, a respondent found liable for more than one offense arising from separate acts or omissions in a single administrative proceeding, such as the case here, shall be meted with separate penalties. Furthermore, considering the presence of an aggravating circumstance of previous administrative liabilities where penalties were imposed,[50]—particularly in this case, the disbarment of Causing in Lao and Hidalgo, as well as his preventive suspension in Velasco—Section 38 of the CPRA dictates that the Court shall impose the maximum penalty prescribed for each offense,[51] which is a period or amount not exceeding double of the maximum prescribed by the Rules.[52]

Respondent's slanderous remarks and menacing language before the Court and its employees and his imputations of malice and partiality against Judge Escatron violate Canon II of the CPRA and constitute grossly undignified conduct prejudicial to the administration of justice. This is a serious offense under Canon VI, Section 33 of the CPRA and may be sanctioned with (a) disbarment; (b) suspension from the practice of law for a period exceeding six months; (c) revocation of notarial commission and disqualification as notary public for not less than two years; or (d) a fine exceeding PHP 100,000.00.

On the other hand, respondent's cavalier attitude and willful noncompliance with the lawful directives of the IBP, which in itself is tantamount to disobedience of the lawful orders of the Court, is indicative of his utter disrespect towards the judicial system. This violates Canon III of the CPRA and is likewise classified as a less serious offense.[53] Less serious offenses[54] are punishable by a suspension from the practice of law for a period of one month to six months; and/or a fine within the range of PHP 35,000.00 to PHP 100,000.00.[55]

To summarize, the Court finds respondent guilty of violating: (a) Canon II, Section 2 of the CPRA for failure to observe and maintain respect towards the Court, its processes and its employees; and (b) Canon III, Section 2 of the CPRA for willful disobedience of the lawful orders of the Supreme Court. Given the factual milieu of this case, and especially considering respondent's repeated infractions, the Court imposes the following fines against respondent:

(a)

PHP 120,000.00 for his failure to observe and maintain respect towards the Court; and

(b)

PHP 35,000.00 for his willful noncompliance with the lawful directives of the IBP.[56]

ACCORDINGLY, respondent Atty. Berteni C. Causing is found GUILTY of violating Canon II, Section 2 and Canon III, Section 2 of the Code of Professional Responsibility and Accountability, warranting the imposition of an aggregate fine of PHP 155,000.000.

However, the Court REITERATES respondent Causing's CONTINUING DISBARMENT.

Let a copy of this Decision be attached to respondent's personal record in the Office of the Bar Confidant. Likewise, let copies of this Decision also be furnished to the Integrated Bar of the Philippines for its information and guidance, and the Office of the Court Administrator for circulation to all the courts in the country.

SO ORDERED.

Gesmundo, C.J., Leonen, S.J., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, Gaeralan, J. Lopez, Dimaampao, Marquez, and Villanueva, JJ., concur.
Rosario,[*] Kho, Jr.,[*] and Singh,[*] JJ., on leave.

[*] On leave.

[1] Rollo, pp. 11-18.

[2] Id. at 8.

[3] Id. at 12-13.

[4] Id. at 17.

[5] Id. at 13.

[6] Id. at 22-25.

[7] Id. at 15-16.

[8] Id. at 325-330.

[9] Id. at 329-330.

[10] Id. at 328-329.

[11] Id. at 323-324.

[12] Id. at 323.

[13] *Arsenio v. Atty. Tabuzo*, 809 Phil. 206, 212 (2017) [Per J. Tijam, Third Division].

[14] *Lao v. Atty. Causing*, 930 Phil. 538, 541-542 (2022) [Per Curiam, En Banc].

[15] *Armillá-Calderon v. Atty. Lapore*, 881 Phil. 1, 3 (2020) [Per J. Inting, Second Division].

[16] *Re: letter of Lucena Ofendoreyes Alleging Illicit Activities of a certain Atty. Cajayon*, 810 Phil. 369, 374 (2017) [Per. J. Perlas-Bernabe, En Banc].

[17] Rollo, p. 19.

[18] Id. at 23-24.

[19] Id. at 22.

[20] Id. at 8.

[21] Id. at 27.

[22] Id. at 28-29.

[23] *Judge Pantanosas, Jr. v. Atty. Pamatong*, 787 Phil. 86, 94 (2016) [Per J. Caguioa, En Banc]. (Citation omitted)

[24] *Pobre v. Defensor-Santiago*, 613 Phil. 352, 364 (2009) [Per J. Velasco, Jr., Third Division]. (Citation omitted)

[25] A.M. No. 22-0901-SC.

[26] See *Ascaño v. Atty. Panem*, 942 Phil. 519 (2023) [Per J. Inting, Third Division]; Section 3 of the CPRA provides that it shall take effect fifteen (15) days following its publication in a newspaper of general circulation. The CPRA was published on May 14, 2023 in the *Philippine Star* and the *Manila Bulletin*.

[27] Section 1 of the General Provisions of the CPRA provides that its provisions shall apply to all pending and future cases, except if it will not be feasible or would work injustice against the respondent.

[28] Rollo, p. 12.

[29] Id. at 209-211.

[30] Judge Pantanosas, Jr. v. Atty. Pamatong, 787 Phil. 86, 96 (2016) [Per J. Caguioa, En Banc].

[31] A.C. No. 11993, March 4, 2025, [Per J. Leonen, En Banc].

[32] See Re: Letter dated February 21, 2005 of Atty. Noel S. Sorreda, 502 Phil. 292, 301 (2005) [Per J. Garcia, En Banc].

[33] Judge Alpajora v. Atty. Calayan, 823 Phil. 93, 114 (2018) [Per J. Gesmundo, En Banc].

[34] Id. at 110.

[35] Rollo, p. 326.

[36] Id. at 146, 255.

[37] See Tapang v. Atty. Donayre, 890 Phil. 590, 597-598 (2020) [Per J. Inting, Third Division].

[38] Radial Colden Marine Services Corporation v. Atty. Cabugoy, 854 Phil. 643, 648 (2019) [Per Curiam, En Banc].

[39] Rollo, pp. 33-45.

[40] Ang v. Atty. Marapao, 920 Phil. 606, 610 (2022) [Per J. Dimaampao, First Division].

[41] Id. at 611.

[42] 897 Phil. 553 (2021) [Per J. Inting, En Banc].

[43] 930 Phil. 538 (2022) [Per Curiam, En Banc].

[44] A.C. No. 11993, March 4, 2025 [Per J. Leonen, En Banc].

[45] Judge Dumlao v. Atty. Camacho, 839 Phil. 509, 527 (2018) [Per J. Gesmundo, En Banc].

[46] Office of the Provincial Prosecutor of Cavite, Department of Justice v. Atty. Mas, 946 Phil. 474, 484 (2023) [Per J. Dimaampao, En Banc].

[47] Judge Yulo-Antero v. Atty. Delos Santos, A.C. No. 13646, April 22, 2025 [Per J. Lopez, M., En Banc].

[48] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon 6, sec. 42.

[49] Venterez v. Atty. Cosme, 561 Phil. 479, 490 (2007) [Per J. Chico-Nazario, Third Division]. (Citation omitted)

[50] See CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 38(b)(l).

[51] See CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 40. Penalty for Multiple Offenses. — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense....

[52] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 38. Manner of imposition. —

If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed in this Rule....

[53] See *Kelley v. Atty. Robielos III*, 950 Phil. 519, 530 (2024) [Per Curiam, En Banc].

[54] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 34. Less Serious Offenses. — Less serious offenses include: . . . (c) Violation of Supreme Court rules and issuances in relation to Bar Matters and administrative disciplinary proceedings, including willful and deliberate disobedience of the orders of the Supreme Court and the IBP.

[55] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 37(b).

[56] See *Castillo v. Atty. Laki*, 955 Phil. 548, 556-557 (2024) [Per J. Zalameda, En Banc].

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