

**ANTONIO B. RAMOS AND MA. REGINA PAZ R. DE DIOS,
COMPLAINANTS, VS. ATTY. ALEJANDRO JOSE C. PALLUGNA,
RESPONDENT.**

A.C. No. 5908. October 25, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-5908/>

CALLEJO, SR., J.:

The instant disbarment case arose when Antonio B. Ramos and Ma. Regina Paz R. De Dios charged Atty. Alejandro Jose C. Pallugna with gross misconduct and violation of his oath as a lawyer relative to Civil Case No. 2002-264[1] in a verified Complaint dated November 26, 2002.

The Antecedents

The respondent was the counsel of the plaintiff in the said case then pending with the Regional Trial Court, Cagayan de Oro City, Branch 24. The main issue raised in the complaint was the ownership and control of Vineyard Piano Bar and Restaurant. In an Order[2] dated October 18, 2002, the trial court denied the plaintiff's prayer for the issuance of a temporary restraining order and directed him as follows:

- To cease and desist from doing acts which would dissipate the resources of the business of the Vineyard;
- To refrain from doing acts of management or operation pending accounting and inventory;
- Not to prevent defendant Ramos as owner, and or those acting under his order, to enter the premises of Vineyard and Piano Bar for the purpose of accounting and inventory;

Let a Temporary Restraining Order be issued upon putting up of a bond in the sum of Three Hundred Thousand (P300,000) Pesos.[3]

Pursuant to the said Order, a Writ of Preliminary Temporary Restraining Order[4] was issued on October 23, 2002. Two days after the writ had been served, or on October 25, 2002, the respondent as counsel, filed a petition for certiorari before the Court of Appeals, docketed as CA-G.R. SP No. 73586, praying that the temporary restraining order issued by the trial court be quashed and cancelled. In the meantime, since the prevailing party had already put up the required bond, the temporary restraining order issued by the trial court was duly enforced and implemented on October 28, 2002.[5]

On November 13, 2002, the Court of Appeals issued the following Resolution, to wit:

WITHOUT necessarily giving due course to the petition for certiorari, the Court orders private respondents to comment (not move to dismiss) within ten (10) days from receipt of this Resolution. Petitioner may reply within five (5) days from receipt of the Comment (Sec. 6, Rule 65, 1997 Rules of Civil Procedure).

Acting on the prayer for a temporary restraining order embodied in the verified petition and in order to avoid irreparable injury to petitioner and/or situation that might render the petition moot and academic, public respondent is temporarily ordered to resist from implementing the Orders dated October 18, 2002 and October

23, 2002. No bond required.

SO ORDERED.[6]

The Complaint

In a Verified Complaint dated November 26, 2002, the complainants alleged as follows:

- By whatever stretch of his imagination and evidently prompted by ill-motive, and with the use of the Resolution issued by the Court of Appeals, Atty. Pallugna filed a Motion to Restore Possession with Motion to Appoint a New Sheriff. It is very clear that the Motion to Restore Possession is a misplaced attempt to deceive the Court as to the correct import and interpretation of the Resolution of the Court of Appeals.[7]

...

- Atty. Alejandro Jose C. Pallugna, in a letter dated November 14, 2002, addressed to THE CITY POLICE DIRECTOR, Philippine National Police, Cagayan de Oro City, with whom he was in cahoots with as reported by Sheriff Estenzon of RTC 20, requested from the latter police assistance for the implementation of what he maliciously termed as a "TRO" allegedly issued by the Court of Appeals. The letter states and we quote:

14 November 2002
THE CITY POLICE DIRECTOR
Philippine National Police
Cagayan de Oro City

Sir:

In relation to the Temporary Restraining Order issued by the Seventh Division of the Court of Appeals, Manila, in the case of Gary Gregg Pantanosas vs. Hon. Leonardo Demecillo, et al., CA G.R. [SP] No. 73586, a copy of which is hereto attached please allow us to request for police assistance in the implementation of the said TRO anytime on Monday, November 18, 2002.

Thank you very much.

Very truly yours,

(Sgd)
ALEJANDRO JOSE C. PALLUGNA
Counsel for Gary Gregg Pantanosas[8]

At 3:30 p.m. of November 19, 2002, a group of PNP personnel stormed the premises of the subject property and arrested and detained the caretakers therein. According to the complainants, "the manner of breaking into the premises was characterized by force and violence where fully armed police personnel (were) shouting and yelling, thereby attracting public attention as if they were out to arrest hardened criminals." [9] Thus, the complainants maintain, the illegal and unjust maneuverings of the respondent were made in utter violation to his oath of office as a lawyer and officer of the court, for which he should be disbarred.

The respondent vehemently denied the allegations in the complaint in his Comment dated March 14, 2003. According to the respondent –

- I did not perform any act of sheer misconduct nor of conduct that could discredit the legal profession or in any way have I violated my oath of office as a lawyer as I performed my duty within the bounds of law. When the TRO issued by the Court of Appeals was implemented, two Sheriffs of the Office of the Regional Trial Court, namely: Sheriff IV Reynaldo Cuyong and Sheriff IV Jaime Banaag, implemented the TRO. Attached hereto is their Sheriffs' Report to the Court of Appeals and marked as Annex "2" hereof. In the

implementation of the TRO, the sheriffs were afraid that harm will befall them in the hands of the rouge men of herein complainants. To avert any injury to the sheriffs, I formally requested for police escorts from the City Police Director. The police personnel acted in preservation of the peace and the sheriffs merely did their jobs. Hence, there was nothing irregular, immoral, abusive, oppressive, or wanting in legality that I did as a lawyer. If complainants may find extraordinary zeal and dedication in my work, then they should be grounds to commend me and not to disbar me; ...[10]

The case was thereafter referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation/decision.[11]

The case was assigned to IBP Commissioner Doroteo B. Aguila, who immediately scheduled the mandatory conference for September 1, 2003, after which the parties were required to submit their respective position papers.

The Ruling of the IBP

The IBP Commissioner ruled that the respondent violated Canon 10, Rule 10.03 of the Code of Professional Responsibility, and made the following findings:

It is unmistakable that the CA issued a restraining order (Annex “1” of Comment; pp. 55-57). However, a reading of the same shows that the order was directed to Presiding Judge Leonardo Demecillo to desist from implementing his Orders dated 18 October 2002 and 23 October 2002. It is also clear that Atty. Pallugna verbally requested Sheriffs Banaag and Cuyong to serve to the complainants the CA’s restraining order, and requested the police to assist in the implementation thereof (Annexes “G” and “G-1” of the Complaint). It must be pointed out, however, that the orders (of the trial court) sought to be enjoined have already been lawfully enforced and implemented prior to the issuance of the CA’s restraining order (Annex “C-2” of the Complaint). Finally, in the course of serving the CA’s restraining order, the complainants’ possession as well as property rights over the Vineyard as well as the corporal rights of certain caretakers was violated by the “enforcement” because of the breaking in of the police into the premises.

It is axiomatic that injunction (except in the case of a preliminary mandatory one) would not lie once the acts sought to have been enjoined had already become a *fait accompli* or an accomplished or consummated act. ... Atty. Pallugna knew that the said orders of the trial court had already been implemented. This is precisely why he subsequently filed 1) a petition for certiorari with the CA questioning the said orders and praying that the same be set aside, and 2) a motion with the trial court praying that possession be restored to his clients.

Under these circumstances, the respondent should have observed restraint and should have resorted to appropriate legal remedies. He could have filed with the CA a motion (or a second one, if this was originally prayed for in his petition for certiorari) for the issuance of a mandatory injunction since what the CA issued was not one, or simply waited for the trial court to resolve a motion he earlier filed to restore his client’s possession of the premises in question. Instead, Atty. Pallugna acted hastily by abusing and misusing the rules of procedure and went on to exploit the restraining order issued by the CA to his and his client’s unmerited advantage. This should not be tolerated but should be sanctioned.[12]

The Commissioner ruled, however, that there was no clear showing that the respondent was guilty of gross misconduct, and that the latter’s misfeasance may be attributed to his overzealous and misguided desire to advance the cause of his client. For this reason, it was recommended that the respondent be suspended from the practice of law for a period of one (1) month, with the admonition that a repetition of the same or similar act in the future will be dealt with more severely.

The Report and Recommendation of Commissioner Aguila was adopted and approved by the IBP in its Resolution dated February 27, 2004.

The Court's Ruling

The findings of Commissioner Aguila are well taken.

Indeed, while a lawyer owes fidelity to the cause of his client, it should not be at the expense of truth and the administration of justice.[13] Under the Code of Professional Responsibility, a lawyer has the duty to assist in the speedy and efficient administration of justice,[14] and is enjoined from unduly delaying a case by impeding execution of a judgment or by misusing court processes.[15] While lawyers owe their entire devotion to the interest of their clients and zeal in the defense of their client's right, they should not forget that they are, first and foremost, officers of the court, bound to exert every effort to assist in the speedy and efficient administration of justice.[16] Their office does not permit violation of the law or any manner of fraud or chicanery.[17] A lawyer's responsibility to protect and advance the interests of his client does not warrant a course of action propelled by ill motives and malicious intentions against the other party.[18] Mandated to maintain the dignity of the legal profession, they must conduct themselves honorably and fairly.[19] They advance the honor of their profession and the best interests of their clients when they render service or give advice that meets the strictest principles of moral law.[20]

Candor in all their dealings is the very essence of a practitioner's honorable membership in the legal profession. Lawyers are required to act with the highest standard of truthfulness, fair play and nobility in the conduct of their litigation and their relations with their clients, the opposing parties, the other counsels and the courts. They are bound by their oath to speak the truth and to conduct themselves according to the best of their knowledge and discretion, and with fidelity to the courts and their clients.[21]

Indeed, the respondent's actuations render him administratively liable for failing to observe the candor, fairness and honesty required of him as a member of the bar. It was his duty to inform the appellate court, as well as his client, of the factual developments in the case, and otherwise to bring the case to an end if the court thereafter determines that the issues had thereby been rendered moot and academic. The appellate court could then have devoted its efforts to the study and adjudication of meritorious controversies pending decision.[22] The respondent's bad faith is evident, as he applied for a restraining order in the Court of Appeals when he very well knew that the orders of the trial court which were sought be enjoined had already been implemented. The respondent's insistence that he was merely "assisting in the implementation of the Order of the Higher Court"[23] deserves scant consideration.

The penalty of suspension is imposed to punish the lawyer or to set an example or a warning for the other members of the bar.[24] In the present case, we find that for his actuations, the respondent should be suspended for three (3) months from the practice of law.

WHEREFORE, respondent Atty. Alejandro Jose C. Pallugna is hereby found GUILTY of violating Canon 10, Rule 10.03 of the Code of Professional Responsibility and is SUSPENDED from the practice of law for a period of Three (3) Months from receipt of this Decision. He is STERNLY WARNED that future similar transgressions shall be dealt with more severely.

This decision is immediately executory.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Entitled Gary Gregg Pantanosas v. Antonio Ramos, Ma. Regina Ramos De Dios, Beverly Rosales and Rey

Balaba, for damages, reformation of contract of lease, prohibition with prayer for writ of preliminary prohibitory injunction and temporary restraining order.

[2] Annex “A.”

[3] Rollo, p. 17.

[4] Annex “B.”

[5] Rollo, p. 21.

[6] Annex “D.”

[7] Rollo, p. 6.

[8] Id. at 6-7.

[9] Id. at 8.

[10] Id. at 46-47.

[11] Id. at 60.

[12] Report and Recommendation, p. 3.

[13] *Garcia v. Francisco*, 220 SCRA 512 (1993).

[14] Canon 12, Canons of Professional Ethics.

[15] Rule 12.04.

[16] *Foronda v. Guerrero*, A.C. No. 5469, August 10, 2004.

[17] Canon 15, Canons of Professional Ethics.

[18] *Villaflor v. Sarita*, 308 SCRA 129 (1999).

[19] *Reyes v. Chiong, Jr.*, 405 SCRA 212 (2003).

[20] Canon 32, Canons of Professional Ethics.

[21] *Bergonia v. Merrera*, 398 SCRA 1 (2003).

[22] See *National Shipyards and Steel Corporation (NASSCO) v. Court of Industrial Relations*, 61 SCRA 125 (1974), cited in *Agpalo, Legal Ethics*, 6[th] ed., p. 385.

[23] Respondent’s Position Paper, p. 7.

[24] *Whiston v. Atienza*, 410 SCRA 10 (2003).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.