

JOSE C. SABERON, COMPLAINANT, VS. ATTY. FERNANDO T. LARONG, RESPONDENT.

A.C. No. 6567. August 11, 2008

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

From this Court's Decision[1] of April 16, 2008, both complainant Jose C. Saberon and respondent Atty. Fernando T. Larong seek reconsideration.

Complainant's Motion for Reconsideration[2] asks this Court to hold respondent guilty of gross misconduct, instead of simple misconduct, for ascribing blackmail to him in pleadings filed before the Bangko Sentral ng Pilipinas (BSP).

Respondent's Motion for Reconsideration,[3] while it takes no exception to the P2,000 fine imposed on him and which he has paid,[4] seeks this Court to declare that the questioned allegations that the case before the BSP was part of blackmailing suits against his clients for financial gain - albeit couched in intemperate language - were privileged communication.

As to complainant's Motion, his arguments therein were amply discussed and ruled upon in the Decision sought to be reconsidered. The Court thus finds no ground to set the Decision aside.

On the other hand, respondent's submission that the Answer containing the allegations of blackmail is protected by the mantle of absolute privilege was already pleaded in his Comment to Petition for Review[5] that the allegations were absolutely privileged, like allegations made in any complaint or initiatory pleading.[6] There, he also proffered, as he now maintains in his motion, the relevancy or pertinency of the questioned statements to the issues being litigated before the BSP.

To respondent's contentions, the Court ruled that the ascription of "blackmail" in the Answer was not legitimately related or pertinent to the subject matters of inquiry before the BSP, which were the alleged alien citizenship and majority stockholding of Alfredo Tan Bonpin in the Surigaonon Rural Bank. And it reminded respondent that lawyers, though allowed latitude in making a remark or comment in their pleadings, should not trench beyond the bounds of relevancy and propriety.

This Court's ruling stands whether the statements are in the nature of a counter-complaint or a counterclaim embodied in the Answer as respondent presently maintains.

Respondent alternatively contends that the questioned allegations fall within the ambit of a conditionally or qualifiedly privileged communication under Article 354 (1)[7] of the Revised Penal Code. He submits that the statements, while opening up a lawyer to possible administrative sanction for the use of intemperate language under the Canons of Professional Responsibility, should not strip the pleadings in which they made their privileged nature.

Respondent's invocation of the rule of privileged communication in the present administrative matter is misplaced. It behooves to state that this defense is peculiar to the criminal case for libel that respondent faces, which depends on a totally different and evidently higher quantum of evidence than is required in this administrative case. Needless to say, this Court's ruling as to the administrative liability of respondent is not conclusive of his guilt or innocence in the libel case.

WHEREFORE, complainant's and respondent's respective Motions for Reconsideration are DENIED.

SO ORDERED.

Quisumbing, (Chairperson), Corona, Velasco, Jr., and Brion, JJ., concur.

[*] Additional member in lieu of Justice Dante O. Tinga per Special Order No. 512 dated July 16, 2008.

[1] Rollo, pp. 283-293.

[2] Id. at 313-324.

[3] Id. at 296-309.

[4] Id. at 310. A photocopy of a postal money order for P2,000 payable to the Supreme Court was attached to respondent's Motion for Reconsideration to show compliance with the Court's order for the payment of the fine.

[5] Id. at 234-241.

[6] Id. at 236.

[7] Art. 354(1) of the Revised Penal Code reads:

Art. 354. Requirement of publicity. - Every defamatory imputation is presumed to be malicious, even if it be true, if no good intention and justifiable motive for making it is shown, except in the following cases:

1. A private communication made by any person to another in the performance of any legal, moral or social duty;
x x x.

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