



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 3, 2021 which reads as follows:

“A.C. No. 12794 [Formerly CBD Case No. 14-4294] – (MA. VICTORIA VENTURA, *complainant* v. ATTY. HERMENEGILDO M. LINSANGAN, *respondent*). – This administrative case arose from a Complaint¹ dated July 24, 2014 filed by complainant Ma. Victoria Ventura (Ventura) against respondent Atty. Hermenegildo M. Linsangan (Atty. Linsangan) for violation of the Code of Professional Responsibility (CPR).

The Facts

Ventura alleged that she is the assistant to the Executive Vice President of Sytengco Philippines Corporation (SPC).² Sometime in June 2014, SPC received the Demand Letter³ dated June 23, 2014 from Atty. Linsangan on behalf of his clients, the heirs of Pedro Pangan. It was claimed in the demand letter that SPC and Aneco Realty Corporation obtained the transfer of the land covered by Transfer Certificate of Title No. NT-294211 registered under their name through the forged signatures of deceased owner Pedro Pangan and his deceased children in a Deed of Absolute Sale and Subdivision Agreement.⁴

Ventura was tasked to coordinate with Atty. Linsangan to clarify matters. On July 1, 2014, Ventura called Atty. Linsangan to schedule a meeting. The meeting was set on July 12, 2014 at Atty. Linsangan’s law office in Gapan City, Nueva Ecija. Ventura travelled

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¹ *Rollo*, pp. 1-3.

² *Id.* at 1.

³ *Id.* at 5.

⁴ *Id.*

from the SPC office in Metro Manila to Gapan City accompanied by SPC counsel Atty. Girlie Y. Dimaculangan (Dimaculangan) and Luisita Inoferio (Inoferio), the broker who facilitated the transfer of the land in question.⁵

Upon their arrival at Atty. Linsangan's law office at 10:30 a.m., Ventura and her companions introduced themselves as SPC representatives. Atty. Linsangan did not reciprocate the introduction or show hospitality expected from someone receiving guests coming all the way from Metro Manila.⁶

Ventura was surprised by Atty. Linsangan's opening statement "Where is your authority? Kasi baka ang kinakausap namin ay hindi authorized..." Ventura explained that she was the one who set the meeting and is accompanied by SPC legal counsel. Atty. Dimaculangan also expressed that they were authorized and asked if a written authority was necessary. Atty. Linsangan eventually replied "Sige panyera, I trust you being a lawyer..."⁷

The meeting commenced with Atty. Linsangan and his clients consisting of seven males and a lady. The parties casually and informally asked and answered clarificatory questions from each other when, suddenly, Atty. Linsangan shouted at Ventura "HOY, BASTOS KA, AKO KAUSAP MO BAKIT HINDI KA SAKIN NAKATINGIN...LINTIK KA!" The whole group was shocked, and Ventura stood up and retaliated "WAG MO AKONG MUMURAHIN, HINDI MO AKO EMPLEYADO, ACCOUNTANT AKO... PROFESSIONAL AKO... BABOY KA..." Atty. Linsangan also stood up and said "PALAYASIN ANG BABAENG ITO...PALABASIN MO ITO PANYERA..."⁸

Atty. Dimaculangan escorted Ventura out of the office and the meeting ended early. Before heading back to Manila, the incensed Ventura went to the Gapan City police station to report the incident. She obtained the Police Report⁹ dated July 12, 2014 which was submitted in evidence. She also submitted the Supporting Affidavit dated May 6, 2016¹⁰ executed by Inoferio corroborating the fact of Atty. Linsangan's sudden outburst during their meeting.

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⁵ Id. at 2.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id. at 6.

¹⁰ Id. at 40-41.

Ventura claimed that Atty. Linsangan clearly conducted himself in a manner not expected of a lawyer and should be meted the proper disciplinary sanctions. Atty. Linsangan's actions allegedly humiliated and ridiculed her, and caused her sleepless nights, anxieties, and besmirched reputation.¹¹

In his defense, Atty. Linsangan alleged that he showed hospitality to Ventura and her companions by allowing them to use the comfort room of his law office and sit on the sofa. Moreover, it is only basic law practice to verify the authority of the person he is meeting with. Nevertheless, despite the absence of a written authority, he chose to recognize Atty. Dimaculangan as SPC's counsel and representative, but not Ventura. He only allowed Ventura to stay and listen during the meeting.¹²

Atty. Linsangan claimed that Ventura was the one who made a sudden outburst during the meeting. While he and Atty. Dimaculangan were discussing the issues, they were interrupted by Ventura who was conducting her own discussions with the other parties present in a loud voice and soliciting material information from them. He thus reminded Ventura that she was not authorized to conduct inquiries with his clients and to respect the on-going meeting. However, instead of heeding his request, Ventura continued to speak and then made a sudden outburst shouting invective words against him, and boasted about being an accountant of SPC before leaving his office.¹³

The case was called for mandatory conference on January 15, 2016, but both parties failed to appear despite due notice.¹⁴

In compliance with the Order¹⁵ dated January 15, 2016, Atty. Linsangan filed his Memorandum¹⁶ dated February 11, 2016. Ventura also filed her Position Paper (For the Complainant)¹⁷ dated March 23, 2016.

The administrative case was referred to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.

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¹¹ Id. at 3.

¹² Id. at 13.

¹³ Id.

¹⁴ Id. at 11.

¹⁵ Id. at 11.

¹⁶ Id. at 12-14.

¹⁷ Id. at 28-36.

IBP Report and Recommendation

In the Report and Recommendation¹⁸ dated September 3, 2016, Investigating Commissioner Romualdo A. Din, Jr. (Commissioner Din) recommended that the administrative case be dismissed, but to admonish Atty. Linsangan to be more circumspect in his language with respect to his future personal and professional dealings.¹⁹

Commissioner Din found Ventura's account of the incident more credible than that of Atty. Linsangan. Ventura was notably a mere visitor at Atty. Linsangan's office all the way in Gapan City, Nueva Ecija, and was outside her comfort zone. It would be unlikely under these circumstances that Ventura would initiate a sudden outburst against Atty. Linsangan during the meeting. This was also supported by the Police Report and Inoferio's Supporting Affidavit.²⁰

Nevertheless, Commissioner Din found that although Atty. Linsangan was out of turn in the use of his language, this error in judgment did not amount to gross misconduct or violate the high moral standards of the legal profession to justify the imposition of administrative penalties.²¹

In a Resolution dated September 28, 2017, the IBP Board of Governors adopted the Report and Recommendation to dismiss the administrative case but admonish Atty. Linsangan.

Issue

The issue is whether or not Atty. Linsangan should be held administratively liable for the acts complained of.

Ruling of the Court

The Court has thoroughly reviewed the records of this case and finds that Atty. Linsangan's actions violated the CPR.

Canon 8.01 mandates that "[a] lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper." In this regard, a lawyer may be disciplined for gross misconduct, malpractice, or unprofessional conduct.²²

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¹⁸ Id. at 46-52.

¹⁹ Id. at 52.

²⁰ Id. at 49-50.

²¹ Id. at 51-52.

²² See *Sebastian v. Atty. Bajar*, 559 Phil. 211, 222-223 (2007).

“It bears stressing that membership in the bar is a privilege burdened with conditions. It is bestowed upon individuals who are not only learned in law, but also known to possess good moral character. Lawyers should act and comport themselves with honesty and integrity in a manner beyond reproach, in order to promote the public's faith in the legal profession.”²³

“Lawyers are expected to observe such conduct of nobility and uprightness which should remain with them, whether in their public or private lives, and may be disciplined in the event their conduct falls short of the standards imposed upon them.”²⁴

In *Belo-Henares v. Atty. Guevarra*,²⁵ a lawyer was held administratively liable for making rude and disrespectful remarks that were unbecoming of an officer of the law. The Court sternly warned that “as a lawyer, he is bound to observe proper decorum at all times, be it in his public or private life. He overlooked the fact that he must behave in a manner befitting of an officer of the court, that, is, respectful, firm, and decent.”²⁶

The Court in *Mendoza v. Gadon*²⁷ cautioned a lawyer to be “more circumspect in his actions and should control himself better in times of emotional outbursts. He should refrain from using abusive and intemperate language which displays arrogance towards the legal system and his colleagues.”²⁸ Similarly, a lawyer was administratively penalized in *Dallong-Galiciao v. Atty. Castro*²⁹ for making a disrespectful outburst and maligning a Clerk of Court.

In this case, it was established that Atty. Linsangan made an offensive outburst against Ventura during their meeting in his office. He insulted her in front of all the attendees and kicked her out of his office. This surely maligned and offended Ventura, and shocked and scandalized all those present.

The Court modifies the finding of the IBP Board of Governors that Atty. Linsangan's actions were insufficient to violate the CPR. Atty. Linsangan's outburst was uncalled for and arrogant. It was disrespectful to Ventura and her companions who even made a generous concession to travel to Gapan City, Nueva Ecija, to meet

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²³ *Ret. Judge Alpajora v. Atty. Calayan*, 823 Phil. 93, 107 (2018).

²⁴ *Noble III v. Atty. Ailes*, 762 Phil. 296, 301 (2015).

²⁵ 801 Phil. 570 (2016).

²⁶ *Id.* at 588.

²⁷ A.C. No. 11810, June 26, 2019.

²⁸ *Id.*

²⁹ 510 Phil. 478, (2005).

with them. This constituted abusive conduct clearly short of the standards befitting lawyers as noble officers of the court. It also negatively affected the public's image of the legal profession.

Atty. Linsangan consequently violated Canon 8.01 of the CPR. However, this violation was not so severe to merit the penalties of disbarment or suspension from the practice of law. He is hereby admonished and warned to be more circumspect in his actions and to exercise better control over himself in times of emotional outbursts. His membership in the bar imposes certain obligations on him to maintain the dignity of the legal profession. He should remain respectful and conduct himself honorably and beyond reproach.

WHEREFORE, respondent Atty. Hermenegildo M. Linsangan is found **GUILTY** of violating Rule 8.01, Canon 8 of the Code of Professional Responsibility. He is **ADMONISHED** to be more circumspect in his language and in the performance of his duties as a lawyer in his future personal and professional dealings, and is **STERNLY WARNED** that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
ms/x

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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