



Republic of the Philippines
Supreme Court
Manila

EN BANC

RE: NOMINATION OF ATTY. A.M. No. 13-04-03-SC
LYNDA CHAGUILE, IBP IFUGAO
PRESIDENT, AS REPLACEMENT
FOR IBP GOVERNOR FOR
NORTHERN LUZON, DENIS B.
HABAWEL
X-----X

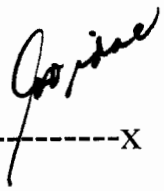
RE: ALLEGED NULLITY OF THE A.M. No. 13-05-08-SC
ELECTION OF IBP SOUTHERN
LUZON GOVERNOR VICENTE
M. JOYAS AS IBP EXECUTIVE
VICE PRESIDENT [FOR 2011-
2013]
X-----X

RE: LETTER-REQUEST OF THE A.M. No. 13-06-11-SC
NATIONAL SECRETARY OF
THE IBP RE PROPOSED OATH-
TAKING BEFORE THE
SUPREME COURT OF THE
ELECTED IBP REGIONAL
GOVERNORS AND THE
EXECUTIVE VICE PRESIDENT
FOR THE TERM 2013 TO 2015

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, JJ.

Promulgated:

DECEMBER 10, 2013

X-----X

RESOLUTION**LEONEN, J.:**

This is yet another controversy involving the leadership of the Integrated Bar of the Philippines (IBP) that could have been resolved at the Integrated Bar of the Philippines' level but was instead referred to this Court, taking away precious resources that could have been better applied to resolve other conflicts for the public interest.

The consolidated cases involve two Administrative Matters. The first Administrative Matter (A.M. No. 13-04-03-SC) arose from a Motion filed by Atty. Marlou B. Ubano, IBP Governor for Western Visayas. Atty. Ubano sought to invalidate or have this Court declare as *ultra vires* the portion of the March 21, 2013 Resolution of the IBP Board of Governors which approved the nomination of Atty. Lynda Chaguile as replacement of IBP Governor for Northern Luzon, Denis B. Habawel. The second Administrative Matter arose from another Motion filed by Atty. Ubano who sought to nullify the May 22, 2013 election for IBP Executive Vice President (EVP) and restrain Atty. Vicente M. Joyas from discharging the duties of IBP EVP/Acting President. In a Resolution dated June 18, 2013, this Court consolidated the second Administrative Matter with the first.

A.M. No. 13-04-03-SC

The first Administrative Matter is an incident arising from: (1) A.M. No. 09-5-2-SC (*In the Matter of the Brewing Controversies in the Election in the Integrated Bar of the Philippines, Atty. Marven B. Daquilanea, Movant-Intervenor; Presidents of IBP Chapter in Western Visayas Region, Intervenors; IBP Capiz Chapter, Intervenor*); and (2) A.C. No. 8292 (*Attys. Marcial M. Magsino, Manuel M. Maramba, and Nasser Marohomsalic v. Attys. Rogelio A. Vinluan, Abelardo C. Estrada, Bonifacio T. Barandon, Jr., Evergisto S. Escalon, and Raymund Jorge A. Mercado*).

On March 27, 2013, Atty. Marlou B. Ubano, IBP Governor for Western Visayas, filed a Motion (Original Motion) in relation to A.M. No. 09-5-2-SC. Atty. Ubano sought to invalidate or have this Court declare as *ultra vires* the portion of the March 21, 2013 Resolution of the IBP Board of

Governors which approved the nomination of Atty. Lynda Chaguile as the replacement of IBP Governor for Northern Luzon, Denis B. Habawel.

In this Original Motion, Atty. Ubano noted that on December 4, 2012, this Court approved an amendment to Article I, Section 4 of the IBP By-Laws which considers as *ipso facto* resigned from his or her post any official of the Integrated Bar of the Philippines who files a Certificate of Candidacy for any elective public office. Under the amended By-Laws, the resignation takes effect on the starting date of the official campaign period.¹

Atty. Ubano alleged that the IBP Governor for Northern Luzon, Denis B. Habawel, filed a Certificate of Candidacy to run for the position of Provincial Governor of the Province of Ifugao on or before October 5, 2012, and that on or before December 21, 2012, IBP President, Roan Libarios, filed a Certificate of Substitution to run as a substitute congressional candidate for the First District of Agusan del Norte.²

Atty. Ubano further alleged that “[i]n light of the impending *ipso facto* resignation of Pres. Libarios on 30 March 2013,”³ the IBP Board of Governors agreed to constitute a five (5)-member Executive Committee (Ex Com) to “prevent hiatus in the leadership of the IBP.”⁴ The Executive Committee was “tasked to temporarily administer the affairs of the IBP without prejudice to the outcome of the Honorable Court’s resolution of the pending incident.”⁵ Atty. Ubano also alleged that Atty. Habawel nominated Atty. Lynda Chaguile, IBP Ifugao Chapter President, as his successor to the position of IBP Governor for Northern Luzon.⁶

Atty. Ubano claimed that Atty. Libarios began “dictating the tenor of the IBP [Board of Governors] Resolution about the creation of Ex Com”⁷ and, without prior deliberation and voting, declared that the Board of Governors approved the succession of Atty. Chaguile as IBP Governor for Northern Luzon. Atty. Ubano, together with two (2) other IBP Governors, allegedly objected. However, when the matter was put to a vote, the other governors, Atty. Habawel included, approved Atty. Chaguile’s replacement of Atty. Habawel as IBP Governor for Northern Luzon.⁸

¹ *Rollo*, A.M. No. 13-04-03-SC, p. 2, Motion to Declare as Ultra Vires or Invalid (Re: Portion of IBP [Board of Governors] Omnibus Resolution dated 21 March 2013 Approving the Nomination of Atty. Chaguile, IBP Ifugao President, as replacement of IBP Governor for Northern Luzon Denis B. Habawel).

² *Id.* at 1-2.

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.* at 2-3.

⁶ *Id.* at 3.

⁷ *Id.*

⁸ *Id.* at 2-3.

In this Original Motion, Atty. Ubano challenged the IBP Board of Governor’s approval of Atty. Chaguile’s succession as IBP Governor for Northern Luzon on two grounds:

First, there was, as yet, no vacancy. Atty. Habawel was himself present at the meeting where his replacement was named. There was, therefore, no need to name a replacement.⁹

Second, the right to elect the successor of a resigned IBP Governor is vested, not in the IBP Board of Governors, but in the delegates of the concerned region; thus, the IBP Board of Governors’ approval of the nominee to succeed Atty. Habawel is *ultra vires*.¹⁰ In support of this second ground, Atty. Ubano cited the third paragraph of Section 44 of the IBP By-Laws:

Sec. 44. Removal of members. x x x

x x x [x]

In case of any vacancy in the office of Governor for whatever cause, the delegates from the region shall by majority vote, elect a successor from among the members of the Chapter to which the resigned governor is a member to serve as governor for the unexpired portion of the term.¹¹

In a Resolution dated April 2, 2013, this Court resolved to treat this Original Motion as an Administrative Matter separate from A.M. No. 09-5-2-SC and A.C. No. 8292. It was re-docketed as A.M. No. 13-04-03-SC. This Court required the IBP Board of Governors to file its Comment.

In its Comment, the IBP Board of Governors assailed the first ground raised by Atty. Ubano by saying that it was not necessary for a position to be absolutely vacant before a successor may be appointed or elected.¹² As for the second ground, the IBP Board of Governors argued that it has been the “tradition”¹³ of the Integrated Bar of the Philippines that “where the unexpired term is only for a very short period of time, it is usually the Board of Governors which appoint [sic] a replacement or an officer in charge to serve the unexpired term.”¹⁴ The IBP Board of Governors cited seven (7) precedents attesting to this “tradition”:

⁹ Id. at 4.

¹⁰ Id. at 4-5.

¹¹ Id. at 5.

¹² Id. at 22.

¹³ Id. at 23.

¹⁴ Id.

1. On January 24, 1979, the IBP Board of Governors “unanimously resolved to designate Jose F. Lim, Vice President of the IBP Samar Chapter, [as] acting Governor and *ex-officio* Vice President for Eastern Visayas in view of the absence of Gov. Juan G. Figueroa.”¹⁵
2. On June 1, 1984, the IBP Board of Governors approved the replacements of two (2) governors who resigned to run in the Batasang Pambansa elections:
 - a. The President of the IBP Baguio-Benguet Chapter, Reynaldo A. Cortes, was elected by the IBP Board of Governors to replace Gov. Honorato Aquino who himself nominated Cortes;
 - b. “The President of the IBP Southern Leyte Chapter, Porfirio P. Siaynco, was elected by the Board to replace Gov. Cirilo Montejo.”¹⁶
3. On January 27, 1989, the IBP Board of Governors “elected Nancy Sison Roxas, Treasurer of the House of Delegates, as Governor for Central Luzon” in lieu of Cesar L. Paras, who passed away.¹⁷
4. On October 7, 1991, Governor for Eastern Mindanao, Teodoro Palma Gil, who was previously appointed as a Regional Trial Court (RTC) judge, recommended that Teodoro Nano, Jr., President of the IBP Davao Oriental Chapter, be his replacement.¹⁸ On November 8, 1991, Nano was eventually elected by the IBP Board of Governors as Governor for Eastern Mindanao.¹⁹
5. On September 26, 1998, the IBP “Board of Governors confirmed the designation of Teofilo S. Pilando, Jr. as Governor for Northern Luzon, to serve the unexpired portion of the term of Gov. Roy S. Pilando, who ran for public office.”²⁰

¹⁵ Id. at 24 *citing* excerpts from the Minutes of the January 24, 1979 IBP Board of Governors Meeting, Annex “H” of the Comment, *rollo*, p. 54.

¹⁶ Id. *citing* excerpts from the Minutes of the June 1, 1984 IBP Board of Governors Meeting, Annex “G” of the Comment, *rollo*, p. 52.

¹⁷ Id. *citing* excerpts from the Minutes of the January 27, 1989 IBP Board of Governors Meeting, Annex “F” of the Comment, *rollo*, pp. 50-51.

¹⁸ Id. at 23-24 *citing* excerpts from the Minutes of the October 7, 1991 IBP Board of Governors Meeting, Annex “D” of the Comment, *rollo*, p. 46.

¹⁹ Id. at 24 *citing* excerpts from the Minutes of the November 8, 1991 IBP Board of Governors Meeting, Annex “E” of the Comment, *rollo*, p. 48.

²⁰ Id. at 23 *citing* excerpts from the Minutes of the September 26, 1998 IBP Board of Governors Meeting, Annex “C” of the Comment, *rollo*, pp. 44-45.

6. On September 12, 2002, the IBP Board of Governors “resolved to appoint acting Governor Rogelio Velarde as regular Governor of Southern Luzon Region after learning of the death of the regular Governor, Josefina S. Angara.”²¹
7. On August 17, 2006, the IBP Board of Governors “appointed Abelardo C. Estrada as OIC for IBP Northern Luzon [in lieu of] Silvestre H. Bello who was facing a disqualification case as Governor of IBP Northern Luzon.”²²

In his Reply, Atty. Ubano questioned the IBP Board of Governors’ claim that it is not necessary for a position to be absolutely vacant before a successor may be appointed or elected. Citing the third paragraph of Section 44 of the IBP By-Laws’ use of the word “vacancy” (i.e., “any *vacancy* in the office of Governor”) and “resignation” (i.e., “*resigned* governor”), Atty. Ubano claimed that the text of the By-Laws is “abundantly clear and unequivocal that there must be first a “vacancy” or a prior resignation before the delegates of the Region can lawfully elect a successor x x x.”²³

Atty. Ubano likewise challenged the precedents cited by the IBP Board of Governors and claimed that no such tradition of appointing the successor of a resigned governor existed.²⁴ He pointed out that prior to its amendment in March 2, 1993, the IBP By-Laws had allowed the IBP Board of Governors to elect, and not appoint, “a successor of a resigned Governor.”²⁵ However, the amended By-Laws now require that a successor be elected by the delegates of the concerned region.²⁶ Even if it were true that the IBP Board of Governors had a tradition of appointing the successor of a resigned governor, the tradition cannot be validated in view of the first paragraph of Article 7 of the Civil Code which reads:

Article 7. Laws are repealed only by subsequent ones, and their violation or non-observance shall not be excused by disuse, or custom or practice to the contrary.²⁷

Meanwhile, on April 23, 2013, Atty. Ubano filed another Motion (Urgent Motion to Defer/Restrain Performance of Duties as Successor Governor of IBP Northern Luzon Region) seeking to prevent Atty. Chaguile from exercising the functions of IBP Governor for Northern Luzon.

²¹ Id. at 23 *citing* excerpts from the Minutes of the September 12, 2002 IBP Board of Governors Meeting, Annex “B” of the Comment, *rollo*, pp. 42-43.

²² Id. at 23 *citing* excerpts from the Minutes of the August 17, 2006 IBP Board of Governors Meeting, Annex “A” of the Comment, *rollo*, pp. 40-41.

²³ Id. at 148.

²⁴ Id. at 149.

²⁵ Id.

²⁶ Id. at 150-151.

²⁷ Id. at 151.

This Court also received on May 16, 2013 an undated Resolution purportedly signed by delegates of the IBP Northern Luzon Region. The signatories called for an election on May 18, 2013 to name Atty. Habawel's successor.

On May 20, 2013, these same signatories filed before this Court their Opposition to Atty. Chaguile's nomination. As with the second ground cited by Atty. Ubano in his Original Motion, this Opposition was anchored on the third paragraph of Section 44 of the IBP By-Laws.

Also on May 20, 2013, Atty. Ubano filed a "Motion for Leave to File Reply with Very Urgent Motion to Restrain Atty. Chaguile from Voting in the EVP Election on 22 May 2013."²⁸ Attached to the Motion was his "Reply with Very Urgent Motion to Restrain Atty. Chaguile from Voting in the EVP Election on 22 May 2013."²⁹ Atty. Ubano also sent a letter to Associate Justice Mariano C. del Castillo "pray[ing] and beg[ging] the indulgence of the Honorable Court to immediately restrain Atty. Lynda Chaguile from voting in the IBP [Executive Vice President] Election to be held on 22 May 2013."³⁰

In a Resolution dated June 4, 2013, this Court required the IBP Board of Governors to file its Comment on Atty. Ubano's (1) Urgent Motion to Defer/Restrain Performance of Duties as Successor Governor of IBP Northern Luzon Region; (2) Motion for Leave to File Reply; and (3) Reply. It also required the IBP Board of Governors to comment on the Opposition filed by the signatories purporting to be the delegates of the IBP Northern Luzon Region.

On July 8, 2013, the IBP Board of Governors filed a Compliance (i.e., Comment in Compliance) with this Court's June 4, 2013 Resolution.

With respect to Atty. Ubano's Urgent Motion to Defer/Restrain Performance of Duties as Successor Governor of IBP Northern Luzon Region, the IBP Board of Governors pointed out that Atty. Chaguile's term expired on June 30, 2013.³¹

As to the Opposition filed by signatories purporting to be the delegates of the IBP Northern Luzon Region, the IBP Board of Governors alleged that the term of the House of Delegates of Northern Luzon for 2011 to 2013

²⁸ Id. at 97-98.

²⁹ Id. at 99-109.

³⁰ Id. at 112.

³¹ Id. at 174.

expired on March 31, 2013. As such, the Opposition signed by the purported delegates was *ultra vires*, and therefore, null and void.³² The IBP Board of Governors pointed out that “[t]he issue about the eligibility of Atty. Lynda Chaguile as replacement Governor for Atty. Denis B. Habawel was traversed over in the Comment x x x dated April 24, 2013.”³³

A.M. No. 13-05-08-SC

The second Administrative Matter assails the conduct of the May 22, 2013 election of the IBP Executive Vice President (EVP). In this election, Atty. Vicente M. Joyas was elected IBP Governor for Southern Luzon.

On May 31, 2013, Atty. Ubano filed an Urgent Omnibus Motion to (1) nullify the May 22, 2013 IBP Executive Vice President election and (2) restrain Atty. Vicente M. Joyas from discharging the duties of EVP/Acting President. This Motion was docketed as A.M. No. 13-05-08-SC. In this Court’s Resolution dated June 18, 2013, this Administrative Matter was consolidated with A.M. No. 13-04-03-SC (the first Administrative Matter).

Atty. Ubano sought to nullify the May 22, 2013 election on two (2) grounds:

First, he claimed that the IBP election of the EVP was marred by inordinate haste, grave irregularities, patent hostility, manifest bias and prejudice, as well as the presiding officer’s absolute lack of independence.³⁴

Second, he claimed that the election violated Section 47 of the IBP By-Laws which requires that the EVP be elected by a vote of at least five (5) Governors. Atty. Ubano emphasized that Atty. Chaguile’s vote in favor of Atty. Joyas was invalid, as Atty. Chaguile’s appointment as governor was itself *ultra vires*, and therefore, void *ab initio*.

Section 47 of the IBP By-Laws, as amended pursuant to this Court’s Resolution dated April 11, 2013 in A.M. No. 09-5-2-SC and A.C. No. 8292, now reads:

³² Id. at 175.

³³ Id.

³⁴ Id.

Sec. 47. Election of National President Executive Vice President. – The Integrated Bar of the Philippines shall have a President, an Executive Vice President, and nine (9) regional Governors. The Governors shall be ex-officio Vice President for their respective regions.

The Board of Governors shall elect the President and Executive Vice President from among themselves each by a vote of at least five (5) Governors. Upon expiration of the term of the President, the Executive Vice-President shall automatically succeed as President.

In the Compliance that the IBP Board of Governors filed in A.M. No. 13-04-03-SC, it addressed Atty. Ubano's allegations as follows:

1. On the conduct of the election

- a. The Report on the Conduct of Election filed by the Regional Trial Court-Pasig Executive Judge (and Supreme Court Designated Observer)³⁵ indicates that Atty. Ubano's objection to the appointment of the presiding officer was thoroughly discussed and properly put to a vote.³⁶ Further, there is no factual basis for claiming that the presiding officer was not independent. Atty. Ubano was also noted to have been allowed the most number of interventions and the longest time spent for deliberations.³⁷
- b. Atty. Ubano was properly ruled out of order when he moved that the elections be moved to a later date and when he objected to the participation of Atty. Chaguile.³⁸

2. On the supposed invalidity of Atty. Chaguile's vote, the IBP Board of Governors pointed out that, as of the time of the election, there was no basis for invalidating the vote.³⁹

Stripped of technical maneuverings and legal histrionics, we are called to rule upon the validity of Atty. Lynda Chaguile's appointment as IBP Governor for Northern Luzon in lieu of Atty. Denis B. Habawel. The resolution of this matter is decisive of the validity of her acts as IBP Governor for Northern Luzon — including her participation in the election of the IBP EVP.

³⁵ Id. at 187-191.

³⁶ Id. at 175-176.

³⁷ Id. at 178.

³⁸ Id. at 177.

³⁹ Id. at 178.

Likewise, we are asked to review the conduct of the election for the IBP EVP. We must determine whether the election was attended by irregularities, biases, and prejudice that would invalidate its results.

We note that certain issues raised in several Motions filed as part of the first Administrative Matter have been rendered moot and academic.

In the first Administrative Matter, Atty. Ubano sought to (1) declare as *ultra vires* or as invalid the portion of the IBP Board of Governors Omnibus Resolution dated March 21, 2013 which approved the nomination of Atty. Chaguile as IBP Governor for Northern Luzon in lieu of Atty. Denis Habawel and (2) restrain Atty. Chaguile from exercising the functions of IBP Governor for Northern Luzon, among which was voting in the May 22, 2013 election for IBP EVP. Also in the first Administrative Matter, several signatories purporting to be the delegates of the IBP Northern Luzon Region opposed Atty. Chaguile's nomination on substantially the same grounds as Atty. Ubano.

As pointed out by the IBP Board of Governors in its Compliance, "the term of Atty. Lynda Chaguile as Governor for Northern Luzon expired on June 30, 2013."⁴⁰ A new Governor for Northern Luzon, Atty. Oliver Cachapero, was elected.⁴¹ As Atty. Chaguile is no longer serving as IBP Governor for Northern Luzon, the matter of ousting or restraining Atty. Chaguile from exercising the functions of such office is no longer an available relief.

As we have explained in *Pormento v. Estrada*:⁴²

As a rule, this Court may only adjudicate actual, ongoing controversies. The Court is not empowered to decide moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the result as to the thing in issue in the case before it. In other words, when a case is moot, it becomes non-justiciable.

An action is considered "moot" when it no longer presents a justiciable controversy because the issues involved have become academic or dead or when the matter in dispute has already been resolved and hence, one is not entitled to judicial intervention unless the issue is likely to be raised again between the parties. There is nothing for the court to resolve as the determination thereof has been overtaken by subsequent events.⁴³

⁴⁰ Id. at 174.

⁴¹ Id. *citing* the Agreement between candidates Atty. Edwin Betguen and Atty. Oliver Cachapero, Annex "A" of the Compliance, *rollo*, p. 183 and Excerpts from the Minutes of the Meeting of the Board of Governors Held on May 31, 2013, Annex "B" of the Compliance, *rollo*, p. 185.

⁴² G.R. No. 191988, August 31, 2010, 629 SCRA 530.

⁴³ Id. at 533-534 *citing* *Honig v. Doe*, 484 U.S. 305 (1988) and *Santiago v. Court of Appeals*, 348 Phil. 792 (1998).

However, we recognize that the validity of Atty. Chaguile's appointment as Governor for Northern Luzon affects the validity of her actions as the occupant of this office, especially her participation in the IBP Board of Governors' election of the IBP EVP, which is the subject of the second Administrative Matter.

Atty. Ubano cited two grounds as bases for claiming that the IBP Board of Governors improperly approved Atty. Chaguile's succession as Governor for Northern Luzon. First, there was no vacancy at the time of Atty. Chaguile's designation. Atty. Habawel was then still Governor for Northern Luzon, and there was no need to name a replacement yet. Second, the IBP Board of Governors acted *ultra vires* or beyond its competence considering that the third paragraph of Section 44 of the IBP By-Laws vests the right to elect the successor of a resigned IBP governor in the delegates of the concerned region and not in the IBP Board of Governors.

On the first ground, we sustain the position of the IBP Board of Governors.

Indeed, it is not only erroneous but also absurd to insist that a vacancy must actually and literally exist at the *precise* moment that a successor to an office is identified. Where a vacancy is anticipated with reasonable certainty — as when a term is ending or the effectivity of a resignation or a retirement is forthcoming — it is but reasonable that those who are in a position to designate a replacement act promptly. New officials are elected before the end of an incumbent's term; replacements are recruited (and even trained) ahead of an anticipated resignation or retirement. This is necessary to ensure the smooth and effective functioning of an office. Between prompt and lackadaisical action, the former is preferable. It is immaterial that there is an identified successor-in-waiting so long as there are no simultaneous occupants of an office.

On the second ground, the third paragraph of Section 44 of the IBP By-Laws clearly provides that “the delegates from the region shall by majority, elect a successor from among the members of the Chapter to which the resigned governor is a member.” There is no ambiguity in this text. We are surprised that the IBP — an institution expected to uphold the rule of law — has chosen to rely on “tradition” to validate its action.

The IBP Board of Governors arrogated unto itself a power which is vested in the delegates of the concerned IBP region. This arrogation is a manifest violation of the clear and unmistakable terms of the IBP's By-Laws. We cannot countenance this. No amount of previous practice or “tradition” can validate such a patently erroneous action. It is, therefore,

clear that Atty. Chaguile's designation as IBP Governor for Northern Luzon is tainted with irregularity, and therefore, invalid.

Nevertheless, following the adoption of the IBP Board of Governors Omnibus Resolution dated March 21, 2013 at the time Atty. Ubano filed the Original Motion and up until June 30, 2013 when her "term x x x expired,"⁴⁴ Atty. Chaguile acted as and performed the functions of the IBP Governor for Northern Luzon. This is an *accomplished fact* which no amount of legal abstraction can undo. It is in this context, with the backdrop of this consummated truth, that we rule on the Administrative Matters before us. Given these circumstances, we hold that Atty. Chaguile took on the role of IBP Governor for Northern Luzon in a *de facto* capacity.

De facto means "in point of fact."⁴⁵ To speak of something as being *de facto* is, thus, to say that it is "[a]ctual [or] existing in fact"⁴⁶ as opposed to "[e]xisting by right or according to law,"⁴⁷ that is, *de jure*. Being factual though not being founded on right or law, *de facto* is, therefore, "illegitimate but in effect."⁴⁸

The concept of a *de facto* officer was explained in *Civil Service Commission v. Joson, Jr.*:⁴⁹

The broad definition of what constitutes an officer *de facto* was formulated by Lord Holt in *Parker v. Kent*, and reiterated by Lord Ellenborough and full King's Bench in 1865 in *Rex v. Bedford Level*, "One who has the reputation of being the officer he assumes and yet is not a good officer in point of law." A *de facto* officer is one who is in possession of the office and discharging its duties under color of authority. By color of authority is meant that derived from an election or appointment, however irregular or informal, so that the incumbent is not a mere volunteer.⁵⁰ (Emphasis and underscoring supplied)

A *de facto* officer is distinguished from a *de jure* officer, as follows:

The difference between the basis of the authority of a *de jure* officer and that of a *de facto* officer is that one rests on right, the other on reputation. It may be likened to the difference between character and reputation. One is the truth of a man, the other is what is thought of him.⁵¹

⁴⁴ *Rollo*, p. 174.

⁴⁵ BLACK'S LAW DICTIONARY 448 (Eighth Ed., 2004).

⁴⁶ *Id.*

⁴⁷ *Id.* at 458.

⁴⁸ *Id.* at 448.

⁴⁹ 473 Phil. 844 (2004).

⁵⁰ *Id.* at 858-859 citing *State v. Oates*, 57 N.W. 296 (1983).

⁵¹ *Id.* at 859 citing *Ridout v. State*, 30 S.W. 2d. 255 (1930).

Moreover, as against a mere usurper, “[i]t is the color of authority, not the color of title that distinguishes an officer *de facto* from a usurper.”⁵² Thus, a mere usurper is one “who takes possession of [an] office and undertakes to act officially without any color of right or authority, either actual or apparent.”⁵³ A usurper is no officer at all.⁵⁴

The expanse of the *de facto* doctrine was established early in the development of our jurisprudence. In *Luna v. Rodriguez*,⁵⁵ the doctrine was established to contemplate situations

where the duties of the office were exercised: (a) Without a known appointment or election, but under such circumstances of reputation or acquiescence as were calculated to induce people, without inquiry, to submit to or invoke his action, supposing him to be the officer he assumes to be; (b) under color of a known or valid appointment or election, where the officer has failed to conform to some precedent requirement or condition, for example, a failure to take the oath or give a bond, or similar defect; (c) under color of a known election or appointment, void because the officer was not eligible, or because there was a want of power in the electing or appointing body, or by reason of some defect or irregularity in its exercise, such ineligibility, want of power or defect being unknown to the public; and (d) under color of an election, or appointment, by or pursuant to a public unconstitutional law, before the same is adjudged to be such.⁵⁶ (Emphases and underscoring supplied)

This coverage, affirmed and reiterated in subsequent jurisprudence,⁵⁷ unequivocally includes officers whose election is void because the body that elected (or otherwise designated) them lacked the capacity to do so. This is precisely the situation in this case: The power to elect an IBP Governor is lodged in the delegates of the concerned region, not in the IBP Board of Governors; yet the IBP Board of Governors approved Atty. Chaguile’s nomination as IBP Governor for Northern Luzon.

To be a *de facto* officer, all of the following elements must be present:

- 1) There must be a *de jure* office;

⁵² Id. citing *Ekern v. McGovern*, 142 N.W. 595 (1913).

⁵³ H. S. DE LEON and H. M. DE LEON, JR., THE LAW ON PUBLIC OFFICERS AND ELECTION LAW 112 (2008) citing 63A Am. Jur. 2d 1082.

⁵⁴ Id.

⁵⁵ 37 Phil. 186 (1917) citing *State v. Carroll*, 38 Conn., 449; *Wilcox v. Smith*, 5 Wendell [N. Y.], 231; 21 Am. Dec., 213; *Sheehan's Case*, 122 Mass., 445; 23 Am. Rep., 323.

⁵⁶ Id. at 192 citing *State v. Carroll*, 38 Conn., 449; *Wilcox v. Smith*, 5 Wendell [N. Y.], 231; 21 Am. Dec., 213; *Sheehan's Case*, 122 Mass., 445; 23 Am. Rep., 323.

⁵⁷ *Aparri v. Court of Appeals*, 212 Phil. 215, 223 (1984) and *Flores v. Drilon*, G.R. No. 104732, June 22, 1993, 223 SCRA 568, 582.

- 2) There must be color of right or general acquiescence by the public; and
- 3) There must be actual physical possession of the office in good faith.⁵⁸ (Underscoring supplied)

In the present case, there is no dispute that a *de jure* office — that of IBP Governor for Northern Luzon — exists.

Neither is there any dispute that Atty. Chaguile took possession of and performed the functions of such office. In fact, the Motions submitted as part of the first Administrative Matter were precisely intended to put a stop to her performance of these functions.

Likewise, Atty. Chaguile took possession of and performed the functions of the IBP Governor for Northern Luzon through a process, albeit “irregular or informal, so that [she] is not a mere volunteer,”⁵⁹ that is, not through her own actions but through those of the IBP Board of Governors. Thus, she did so under “color of authority,” as defined in settled jurisprudence (e.g., *Civil Service Commission v. Joson, Jr.*,⁶⁰ *Dimaandal v. Commission on Audit*,⁶¹ and *Dennis A.B. Funa v. Acting Secretary of Justice Alberto C. Agra*⁶²).

The IBP Board of Governors’ approval was secured through a process that it characterized as a “tradition,” allowing it to appoint a replacement for an officer who vacates his or her office shortly before his or her term expires. It cited seven (7) cases, spanning a period of more than twenty-six (26) years, in which this tradition was exercised. Of these, three (3) occurred after the March 2, 1993 amendment of the IBP By-Laws which requires that a successor governor be elected by the delegates of the concerned region. Thus, the “tradition” persisted even after the amended By-Laws had vested the power to elect a replacement in the delegates of the concerned region.

Being in violation of the IBP By-Laws (as amended on March 2, 1993), this supposed tradition cannot earn our imprimatur. Be that as it may, in all of the occasions cited by the IBP Board of Governors, the authority of replacement governors was derived from a process, which, though irregular,

⁵⁸ *Tuanda v. Sandiganbayan*, 319 Phil. 460, 472 (1995) citing H. S. DE LEON and H. M. DE LEON, JR., THE LAW ON PUBLIC OFFICERS AND ELECTION LAW 87-88 (1990).

⁵⁹ *Civil Service Commission v. Joson, Jr.*, 473 Phil. 844, 859 (2004). See also *Dimaandal v. Commission on Audit*, 353 Phil. 525, 534 (1998) citing PHILIPPINE LAW DICTIONARY, p. 192 and *Dennis A.B. Funa v. Acting Secretary of Justice Alberto C. Agra*, G.R. No. 191644, February 19, 2013, 691 SCRA 196, 224 citing *Civil Service Commission v. Joson, Jr.*, G.R. No. 154674, May 27, 2004, 429 SCRA 773, 786-787 and *Dimaandal v. Commission on Audit*, 353 Phil. 525, 534 (1998).

⁶⁰ 473 Phil. 844 (2004).

⁶¹ 353 Phil. 525, 534 (1998) citing PHILIPPINE LAW DICTIONARY, p. 162.

⁶² G.R. No. 191644, February 19, 2013, 691 SCRA 196, 224 citing *Civil Service Commission v. Joson, Jr.*, G.R. No. 154674, May 27, 2004, 429 SCRA 773, 786-787 and *Dimaandal v. Commission on Audit*, 353 Phil. 525, 534 (1998).

enabled them to act as *and be accepted* as governors. It was with this backdrop that Atty. Chaguile herself was designated as IBP Governor for Northern Luzon. Illumined by this context, the color of authority or right under which Atty. Chaguile became IBP Governor for Northern Luzon is all the more stark.

This same color of authority or right negates any insinuation that Atty. Chaguile assumed office out of her own design or contrivance; that is, that she did so in bad faith. She precisely relied on established practice, now established as invalid but nevertheless historically accepted.

Atty. Ubano alleged that then IBP President Roan Libarios imposed upon the IBP Board of Governors the approval of Atty. Chaguile's nomination; that Atty. Habawel wrongly participated in the vote to approve Atty. Chaguile's nomination; and that the IBP Board of Governors itself violated the IBP By-Laws. Yet, he failed to allege that Atty. Chaguile was *herself* a party to any scheme or artifice that might have been designed so that she would be able to secure the IBP Governorship for Northern Luzon. Furthermore, no evidence was presented to show that there was coercion imposed on the other governors of the Integrated Bar of the Philippines.

We note that on May 16, 2013, signatories claiming to be delegates of the IBP Northern Luzon Region submitted to this Court a copy of an undated Resolution calling for an election to name Atty. Denis B. Habawel's successor as IBP Governor for Northern Luzon. We also note that on May 20, 2013, the same individuals submitted their Opposition to Atty. Chaguile's nomination as Atty. Habawel's replacement. On the basis of this, there appears to be a ground for arguing that there was no "general acquiescence by the public"⁶³ to Atty. Chaguile's having replaced Atty. Habawel.

The second requisite for being a *de facto* officer, as spelled out in *Tuanda v. Sandiganbayan*,⁶⁴ reads: "There must be color of right or general acquiescence by the public."⁶⁵ Clearly, the requisite is stated in the alternative. Color of right also suffices. We have already discussed how Atty. Chaguile took on the role of IBP Governor for Northern Luzon with color of right (or authority).

⁶³ *Tuanda v. Sandiganbayan*, 319 Phil. 460, 472 (1995) *citing* H. S. DE LEON and H. M. DE LEON, JR., THE LAW ON PUBLIC OFFICERS AND ELECTION LAW 87-88 (1990).

⁶⁴ *Id.*

⁶⁵ *Id.* at 472 *citing* H. S. DE LEON and H. M. DE LEON, JR., THE LAW ON PUBLIC OFFICERS AND ELECTION LAW 87-88 (1990).

We fail to see how the action of six (6) individuals⁶⁶ sustains the assertion that the public never acquiesced to Atty. Chaguile's having replaced Atty. Habawel. The requisite speaks of "general acquiescence." To be "general" is not to be "absolute." It is to speak of a commonality that exists *for the most part* but not necessarily *entirely*. It admits of exceptions. That there are those who count themselves as objectors merely attests to their existence. It does not, in and of itself, repudiate that which may generally exist. Thus, to equate the action of a handful of active objectors with the utter lack of "general acquiescence" would be *non sequitur*.

Granting that these six (6) individuals are in fact the legitimate delegates of the IBP Northern Luzon Region and even if we disregard their sheer number, they still fail to represent or embody the "public." They are direct participants, having been the individuals whose right to elect the IBP Governor for Northern Luzon was supposedly undermined. Precisely, their being direct participants – meaning, persons whose supposed rights were violated – makes them actual parties to the controversy. That they themselves chose to file an Opposition and submit themselves to this Court's adjudication of this case evidences their own acknowledgement of this.

The *de facto* doctrine was devised to benefit the public. On the validity of actions made by *de facto* officers, it is settled that "the acts of the *de facto* officer are just as valid for all purposes as those of a *de jure* officer, in so far as the public or third persons who are interested therein are concerned."⁶⁷ This is premised on the reality that "[t]hird persons x x x cannot always investigate the right of one assuming to hold an important office. They have a right to assume that officials apparently qualified and in office are legally such."⁶⁸

The third party affected by the nature of the assumption into office by Atty. Chaguile is the mass of lawyers belonging to the Integrated Bar of the Philippines. Again, the whole legal profession becomes witness to how the selection of its leaders has practically become annual intramurals of both political and legal controversy. In our April 11, 2013 Resolution in A.M. No. 09-5-2-SC and A.C. No. 8292, we observed that this has brought about disenchantment within the ranks of the Integrated Bar of the Philippines. In truth, many suspect that these elections are contests between exclusive groups that maneuver to find allies year in and year out to control the helm of this mandatory lawyers' organization.

⁶⁶ Two of those whose names are indicated in the Resolution and Opposition, Francis B. Calsiyao and Franklin B. Calpito, did not actually sign the Resolution and Opposition.

⁶⁷ *Funa v. Agra*, supra note 62, at 224 *citing* F. R. MECHEM, A TREATISE ON THE LAW OF PUBLIC OFFICES AND OFFICERS 10, 218 (1890); *Topacio v. Ong*, G.R. No. 179895, December 18, 2008, 574 SCRA 817, 829-830.

⁶⁸ H. S. DE LEON and H. M. DE LEON, JR., THE LAW ON PUBLIC OFFICERS AND ELECTION LAW 120 (2008) *citing* 63A Am. Jur. 2d 1098-1099.

The disposition we give to this case is also partly to quiet these conflicts and to deny any reward to further legal controversy. After all, in our April 11, 2013 Resolution in A.M. No. 09-5-2-SC and A.C. No. 8292, we created a permanent Committee for IBP Affairs “to primarily attend to the problems and needs of a very important professional body and to make recommendation for its improvement and strengthening.”⁶⁹

Should that initiative still fail, this Court should seriously review the present modality of the Integrated Bar. Instead of individual membership, a more functional alternative might be organizational membership. This means that voluntary organizations such as the Free Legal Assistance Group (FLAG), the Alternative Law Groups (ALG), the Philippine Bar Association (PBA), the U.P. Women Lawyers’ Circle (WILOCI), and other organizations can coalesce and nominate leaders to comprise a council. Thus, every lawyer will have a mature choice to determine which of these organizations best represents his or her interests. This harmonizes better with their right to free association.

All considered, the circumstances under which Atty. Chaguile’s nomination was approved and under which Atty. Chaguile subsequently assumed the role of IBP Governor for Northern Luzon are sufficient to induce a *general* belief that she was properly the IBP Governor for Northern Luzon and that her actions in this office were properly invoked.

Having said these, we agree with a point raised by Atty. Ubano. As with statutes, the IBP By-Laws’ “violation or non-observance [ought] not be excused by disuse, or custom, or practice to the contrary.”⁷⁰ We do not validate the IBP Board of Governors’ erroneous practice. To reiterate our earlier words: “We cannot countenance this. No amount of previous practice or “tradition” can validate such a patently erroneous action.”

Nonetheless, even as we decry the IBP Board of Governor’s reliance on “tradition,” we do not lose sight of the fact, palpable and immutable, that Atty. Chaguile has so acted as IBP Governor for Northern Luzon. Thankfully, our legal system has an established means through which we are able to avert the “chaos that would result from multiple and repetitious [challenges to] every action taken by [an] official whose claim to office could be open to question.”⁷¹ It is strictly in view of this that we make a determination that Atty. Chaguile was the *de facto* IBP Governor for

⁶⁹ *In the Matter of the Brewing Controversies in the Elections of the Integrated Bar of the Philippines*, A.M. No. 09-5-2-SC, April 11, 2013, 696 SCRA 8, 46 and *Magsino v. Vinluan*, A.C. No. 8292, April 11, 2013, 696 SCRA 8, 46.

⁷⁰ CIVIL CODE, Art. 7.

⁷¹ H. S. DE LEON and H. M. DE LEON, JR., *THE LAW ON PUBLIC OFFICERS AND ELECTION LAW* 110 (2008) *citing* 63A Am. Jur. 2d 1081.

Northern Luzon. We are not validating a wrong; we are merely addressing an exigency.

Having established that Atty. Chaguile was the IBP Governor for Northern Luzon in a *de facto* capacity, we turn to the validity of her actions as a *de facto* officer.

To reiterate, one that is *de facto* is “illegitimate but in effect.”⁷² Thus, it is settled that “the acts of the *de facto* officer are just as valid for all purposes as those of a *de jure* officer, in so far as the public or third persons who are interested therein are concerned.”⁷³ This is necessary so as to protect the sanctity of their dealings with those relying on their ostensible authority: “[t]hird persons x x x cannot always investigate the right of one assuming to hold an important office. They have a right to assume that officials apparently qualified and in office are legally such.”⁷⁴

Accordingly, we hold that all official actions of Atty. Chaguile as *de facto* IBP Governor for Northern Luzon must be deemed valid, binding, and effective, as though she were the officer validly appointed and qualified for the office. It follows that her participation and vote in the election for IBP EVP held on May 22, 2013 are in order.

We now proceed to the points raised by Atty. Ubano assailing the conduct of the May 22, 2013 election for the IBP EVP.

The Report on the Conduct of Election prepared by this Court’s designated observer, Executive Judge Danilo S. Cruz, reveals that Atty. Ubano’s objections were properly and thoroughly discussed. He was given a considerable length of time to air and argue his points. It was only after thorough discussions that Atty. Ubano’s Motion to postpone the elections — which he insisted on raising even when the body was in the process of nominating candidates for the position of EVP — was declared out of order.⁷⁵ Atty. Ubano himself was then nominated for IBP EVP.⁷⁶ He accepted his nomination subject to the resolution of his Motion for Reconsideration in A.M. No. 09-5-2-SC and A.C. No. 8292, as well as the resolution of the first Administrative Matter.⁷⁷

⁷² BLACK’S LAW DICTIONARY 448 (Eighth Ed., 2004).

⁷³ *Funa v. Agra*, supra note 59, at 10 and 224 citing F. R. MECHEM, A TREATISE ON THE LAW OF PUBLIC OFFICES AND OFFICERS 10, 218 (1890); *Topacio v. Ong*, G.R. No. 179895, December 18, 2008, 574 SCRA 817, 829-830.

⁷⁴ H. S. DE LEON and H. M. DE LEON, JR., THE LAW ON PUBLIC OFFICERS AND ELECTION LAW 120 (2008) citing 63A Am. Jur. 2d 1098-1099.

⁷⁵ *Rollo*, A.M. No. 13-04-03-SC, p. 187, Report on the Conduct of Election of the Executive Vice President of the Integrated Bar of the Philippines for 2011-2013 on May 22, 2013, Annex “D” of the Compliance.

⁷⁶ *Id.* at 190.

⁷⁷ *Id.*

Before the members of the IBP Board of Governors placed their votes, Atty. Ubano had sought to have Atty. Chaguile's ballot segregated and sealed pending the resolution of his Motion for Reconsideration in A.M. No. 09-5-2-SC and A.C. No. 8292, as well as the resolution of the first Administrative Matter. His Motion was denied.⁷⁸ Votes were then cast, followed by tally and canvassing. After the votes had been tallied, Atty. Vicente M. Joyas received five (5) votes while Atty. Ubano received four (4) votes. The Certificate of Election was then prepared, certified by the presiding officer and noted by this Court's observer.⁷⁹

Atty. Ubano was accorded more than an ample opportunity to argue his position. More importantly, his position was amply considered by the body. Another IBP governor, IBP Greater Manila Governor Dominic C. M. Solis, even initially supported Atty. Ubano's insistence that the election be postponed, but Atty. Solis subsequently withdrew his support.⁸⁰

In his Urgent Omnibus Motion which gave rise to the second Administrative Matter, Atty. Ubano made an issue out of Atty. Vicente M. Joyas' having designated IBP National Secretary Nasser A. Marohomsalic as Chairman of the Commission on Elections considering that Atty. Joyas supposedly lacked the authority to do so. Atty. Ubano made much of Atty. Joyas' status as IBP Governor for Southern Luzon. Atty. Ubano, however, lost sight of the fact that Atty. Joyas was likewise the Chairman of the IBP Executive Committee.

The Report on the Conduct of Election prepared by Executive Judge Danilo S. Cruz recalls the pertinent events as follows:

The election was scheduled at 11 A.M. Chairman Joyas called the meeting to order at 11:05 A.M. National Secretary Marohomsalic certified that all members of the Board were notified of the election schedule and that with the presence of five (5) members of the Board,⁸¹ there was a quorum. The Chairman placed on record that the undersigned Court Observer was in attendance.

Chairman Joyas said the meeting was for the purpose of electing the EVP for 2011-2013 and designated the COMELEC for the election, thus: Secretary Marohomsalic as Chairman, Atty. Rosario T. Setlas-Reyes, as second member, and IBP Head Executive Assistant Aurora G. Geronimo as third member and recorder of the proceedings. Chairman Joyas then relinquished the Chair to COMELEC Chairman Nasser A. Marohomsalic.⁸²

⁷⁸ Id.

⁷⁹ Id. at 191.

⁸⁰ Id. at 190.

⁸¹ Other members arrived at later times.

⁸² Id. at 187.

Atty. Ubano's own description of the circumstances leading to the creation of the Executive Committee states:

In light of the impending *ipso facto* resignation of Pres. Libarios on 30 March 2013 which is the start of the official campaign period, the IBP [Board of Governors] discussed a mechanism to prevent hiatus [sic] in the leadership of the IBP. After debate and deliberation, it was agreed to constitute a five (5)[-]member Executive Committee ("Ex Com") tasked to temporarily administer the affairs of the IBP x x x.⁸³

From Atty. Ubano's description of the Executive Committee's function, it is evident that its principal purpose is to ensure that the functions of the IBP National President shall continue to be performed despite IBP National President Roan Libarios' resignation. Conformably with the Omnibus Resolution creating the Executive Committee, Atty. Vicente M. Joyas was designated as the Executive Committee Chairman. It is pursuant to this designation and the Executive Committee's general function that Atty. Joyas designated the Commission on Elections for the election of the IBP EVP.

Further, Section 50 (d) of the IBP By-Laws provides:

(d) Secretary: The Secretary shall attend all meetings of the Board of Governors, and keep a record of all the proceedings thereof; prepare and maintain a register of all members of the Integrated Bar; notify national officers as well as members of national committees of their election or appointment; cause to be prepared the necessary official ballots for the election of Governors; and perform such other duties as are assigned to him by these By-Laws, by the President and by the Board of Governors.
(Underscoring supplied)

As IBP National Secretary, Atty. Marohomsalic may, therefore, properly perform such other duties assigned to him by the IBP National President. Thus, Atty. Vicente M. Joyas, acting for the IBP Executive Committee (in his capacity as its Chairman) and pursuant to the Executive Committee's purpose of ensuring that the functions of the IBP National President shall continue to be performed, was in a position to designate the IBP National Secretary to perform a duty other than those explicitly articulated in the IBP By-Laws. As regards this case, that duty was to be the duty of the Chairman of the Commission on Elections. In turn, it was in his capacity as Commission on Elections Chairman that Atty. Marohomsalic presided over the conduct of the election.

⁸³ Id. at 2-3, Motion to Declare as Ultra Vires or Invalid (Re: Portion of IBP [Board of Governors] Omnibus Resolution dated 21 March 2013 Approving the Nomination of Atty. Chaguile, IBP Ifugao President, as replacement of IBP Governor for Northern Luzon Denis B. Habawel).

In sum, we fail to see how the election could have been tainted with the presiding officer's absolute lack of independence, manifest bias and prejudice, patent hostility, and inordinate haste.⁸⁴ We find no reason to invalidate the election.

The Integrated Bar of the Philippines has long been beset by leadership crises. Our April 11, 2013 Resolution in A.M. No. 09-5-2-SC and A.C. No. 8292 — the same cases from which the subject matter of this Resolution arose — chronicled the long, acrimonious history of the leadership of the Integrated Bar of the Philippines. It is, at the very least, strange that the Integrated Bar has suffered these episodes while other lawyers' organizations have not. Again, it is worthwhile to consider if there are other means of integrating the members of the Bar — alternative ways that might enable the Integrated Bar to satisfy its objectives more effectively, democratize its leadership, and minimize its need to seek the intervention of this Court.

The leadership of our Integrated Bar must find a better way of resolving its conflicts other than elevating these matters to this Court. It cannot fail to show maturity in resolving its own conflicts. It behooves the members of the legal profession to avoid being so litigious that they lose sight of the primordial public interests that must be upheld in every case and conflict that is raised to the level of this Court.

Otherwise, the Integrated Bar of the Philippines will continue to alienate its mass membership through political contestations that may be viewed as parochial intramurals from which only a few lawyers benefit. It will be generations of leaders who model needless litigation and wasted time and energy. This is not what an integrated bar of a noble profession should be.

WHEREFORE, the Motion to Declare dated March 27, 2013 as *Ultra Vires* or Invalid the Urgent Motion to Defer/Restrain Performance of Duties as Successor Governor of IBP Northern Luzon Region dated April 22, 2013 and the Very Urgent Motion to Restrain Atty. Chaguile from Voting in the EVP Election on May 22, 2013 dated May 20, 2013 filed by Atty. Marlou B. Ubano are **DENIED** for being moot and academic.

We **DECLARE** that Atty. Lynda Chaguile was indeed a *de facto* officer during her tenure as IBP Governor for Northern Luzon and that her acts as *de facto* officer — including her having voted in the May 22, 2013 election for the Executive Vice President of the Integrated Bar of the Philippines — are valid, binding, and effective. The Urgent Omnibus

⁸⁴ Id. at 175.

Motion to (1) Nullify the EVP Election on May 22, 2013 and (2) Restrain Gov. Vicente M. Joyas of Southern Luzon Region from Discharging the Duties of EVP/Acting President until the Final Resolution of the Issues is **DENIED**.


Let a copy of this Resolution be given to the Supreme Court Oversight Committee on the Integrated Bar of the Philippines reorganized by virtue of Memorandum Order No. 20-2013 on June 13, 2013 for its proper advice.

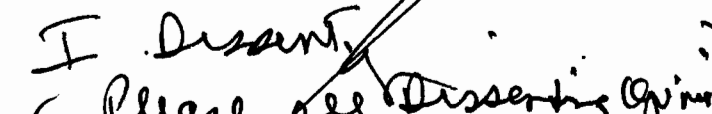
SO ORDERED.


MARVIC MARIO VICTOR F. LEONEN
Associate Justice

WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice

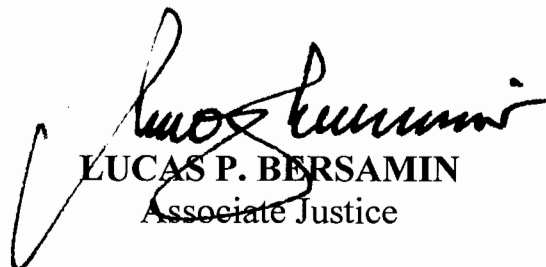
*I join J. Velasco
Dissenting Opinion*

ANTONIO T. CARPIO
Associate Justice

*I Dissent.
Please see Dissenting Opinion*

PRESBITERO J. VELASCO, JR.
Associate Justice


Cerrito Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

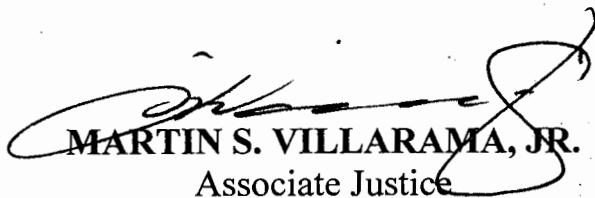

ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice

I join the dissent of Velasco
Mariano C. Del Castillo
MARIANO C. DEL CASTILLO
Associate Justice


ROBERTO A. ABAD
Associate Justice




MARTIN S. VILLARAMA, JR.
Associate Justice



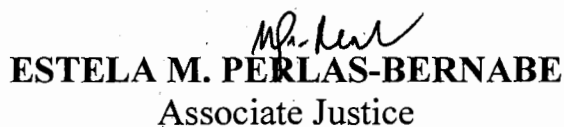
JOSE PORTUGAL PEREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice