



Republic of the Philippines  
**Supreme Court**  
Manila

EN BANC

**JOCELYN DE LEON,**  
Complainant,

A.C. No. 9401

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.

- versus -

**ATTY. TYRONE PEDREÑA,**  
Respondent.

Promulgated:

OCTOBER 22, 2013

x-----x

**DECISION**

**BERSAMIN, J.:**

A lawyer who commits overt acts of sexual harassment against a female client is guilty of reprehensible conduct that is unbecoming of a member of the Bar, and may be condignly punished with suspension from the practice of law.

### Antecedents

Jocelyn de Leon filed with the Integrated Bar of the Philippines (IBP) a complaint for disbarment or suspension from the practice of law against Atty. Tyrone Pedreña, a Public Attorney. She averred in her complaint-affidavit that Atty. Pedreña had sexually harassed her as follows:

1. On January 30, 2006, at about 10:00 in the morning, I went to the Public Attorney's Office in Parañaque City, in order to inquire from ATTY. TYRONE PEDREÑA about the status of my case for support for my two minor children against my husband, which case is being handled by Atty. Pedreña;

2. At that time, said Atty. Pedreña was at a court hearing, so I waited at his office until he arrived at about 11:45 a.m. Atty. Pedreña told me to go ahead to Tita Babes Restaurant so we could take our lunch together and to talk about my said case;

3. While we were eating at the said restaurant, he asked me many personal matters rather than to discuss my said case. But still, I answered him with respect, for he was my lawyer;

4. After we took our lunch, he told me to just go back on February 1, 2006 at 10:00 a.m. because according to him, my said case was quite difficult, that he needed more time to study;

5. Since Atty. Pedreña was also already going home then, he told me then to ride with him and he would just drop me by the jeepney station;

6. Although I refused to ride with him, he persistently convinced me to get in the car, and so I acceded to his request so as not to offend him;

7. Right after we left the parking lot and not yet too far from the City Hall, Atty. Pedreña immediately held my left hand with his right hand, insisted me to get closer with him and laid me on his shoulder;

8. I immediately responded by saying "AYOKO HO!" But he persisted in trying to get hold of my hand and he also tried very hard to inserting (sic) his finger into my firmly closed hand. Thus, I became very afraid and at the same time offended for his lack of respect for me at that moment;

9. Despite my resistance, he continued rubbing my left leg. I was then attempting to remove his hand on my leg, but he grabbed my hand and forced it to put (sic) on his penis;

10. Because I was already really afraid at that moment, I continued to wrestle and struggle, and as I saw that we were already approaching the 7-Eleven Store, the place where I was supposed to get off, Atty. Pedreña made another move of pressing his finger against my private part;

11. I thereafter tried at all cost to unlock the car's door and told him categorically that I was getting off the car. But because the traffic light was on green, he accelerated a bit more instead, but sensing my insistence to get off, he stopped the car, and allowed me to get off. He then reminded me to see him on February 1, 2006 at 10:00 a.m. for the continuation of hearing of my case;

12. That on February 1, 2006, I had to come for my case, but this time, I brought with me my five-year-old child to avoid another incident. I was not able to see Atty. Pedreña then, so I just signed some documents;<sup>1</sup>

In his answer, Atty. Pedreña averred that De Leon's allegations were unsubstantiated; that entertaining such a complaint would open the gates to those who had evil desires to destroy the names of good lawyers; that the complaint was premature and should be dismissed on the ground of forum shopping because De Leon had already charged him with acts of lasciviousness in the Parañaque City Prosecutor's Office; and that he had also filed a complaint for theft against De Leon.<sup>2</sup>

Attached to Atty. Pedreña's answer were his counter-affidavit in the criminal case for acts of lasciviousness and his complaint-affidavit for theft. In his counter affidavit, Atty. Pedreña admitted giving a ride to De Leon, but he vehemently denied making sexual advances on her, insisting that she had sat very close to him during the ride that even made it hard for him to shift gears, and that the ride had lasted for only two to three minutes.<sup>3</sup> He claimed that De Leon was allowing herself to be used by his detractors in the Public Attorney's Office (PAO) after he had opposed the practice of certain PAO staff members of charging indigent clients for every document that they prepared. In his complaint affidavit for theft, he stated that he had another passenger in his car at the time he gave a ride to De Leon, who did not notice the presence of the other passenger because the ride lasted for only two to three minutes; and that the other passenger was Emma Crespo, who executed her own affidavit attesting that she had witnessed De Leon's act of taking his (Pedreña) cellphone from the handbrake box of the car.<sup>4</sup>

Only De Leon appeared during the hearing.<sup>5</sup> Hence, Atty. Pedreña was deemed to have waived his right to participate in the proceedings.<sup>6</sup>

Thereafter, the IBP Investigating Commissioner recommended the disbarment of Atty. Pedreña and the striking off of his name from the Roll of Attorneys.<sup>7</sup> Holding that a disbarment case was *sui generis* and could

---

<sup>1</sup> *Rollo*, pp. 1-2.

<sup>2</sup> *Id.* at 5-6.

<sup>3</sup> *Id.* at 7-8.

<sup>4</sup> *Id.* at 10-11.

<sup>5</sup> *Id.* at 120.

<sup>6</sup> *Id.* at 117.

<sup>7</sup> *Id.* at 151.

proceed independently of the criminal case that was based on the same facts; and that the proceedings herein need not wait until the criminal case for acts of lasciviousness brought against Atty. Pedreña was finally resolved, the IBP Investigating Commissioner found that Atty. Pedreña had made sexual advances on De Leon in violation of Rule 1.01<sup>8</sup> and Rule 7.03<sup>9</sup> of the *Code of Professional Responsibility*.

In its Resolution No. XVIII-2007-83 dated September 19, 2007, the IBP Board of Governors adopted and approved with modification the report and recommendation of the IBP Investigating Commissioner, and imposed upon Atty. Pedreña suspension from the practice of law for three months.<sup>10</sup>

Atty. Pedreña filed a motion for reconsideration with the IBP,<sup>11</sup> which adopted and approved Resolution No. XX-2012-43 dated January 15, 2012, denying the motion and affirming with modification its Resolution No. XVIII-2007-83 by increasing the period of suspension to six months.<sup>12</sup>

On February 28, 2012, the IBP Board of Governors transmitted to the Court Resolution No. XX-2012-43 and the records of the case for final approval.<sup>13</sup>

In the Resolution dated April 24, 2012, the Court noted the IBP Board of Governors' notice of Resolution No. XX-2012-43.<sup>14</sup>

### **Ruling**

The report and recommendation of the Investigating Commissioner stated thusly:

There is no doubt that Complainant was able to prove her case against the Respondent. During the clarificatory hearing, she was straightforward and spontaneous in answering the questions propounded on her. Her account of the incident that happened on 30 January 2006 was consistent with the matters she stated in her Complaint and Verified Position Paper.

On the other hand, Respondent's defenses are not credible enough to rebut the claims of Complainant. His defenses are replete with

---

<sup>8</sup> Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

<sup>9</sup> Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

<sup>10</sup> *Rollo*, p. 283.

<sup>11</sup> *Id.* at 152-156.

<sup>12</sup> *Id.* at 282.

<sup>13</sup> *Id.* at 281.

<sup>14</sup> *Id.* at 294.

inconsistencies and his actuations in the entire proceedings show lack of integrity in his dealings with both the Complainant and this Commission.

x x x x

We find no merit at all in the defenses put forth by Respondent. The Theft case filed by Respondent is a mere afterthought on his part. We note that such criminal complaint hinged on a claim that there was another person during that incident who allegedly saw Complainant stealing Respondent's mobile phone. Yet, in Respondent's Position Paper and in his Counter-Affidavit to the Acts of Lasciviousness case, which was executed after the institution of the criminal complaint for Theft, Respondent never mentioned anything about a third person being present during the incident. If the presence of this third person was crucial to prove his case against herein Complainant, there is no reason why this allegation would be omitted in his Position Paper and Counter-Affidavit to at least support his defense.

Furthermore, Respondent's contention that Complainant is being used by his detractors is self-serving. His memo regarding the amount of RATA he receives is a relatively harmless query to a higher authority, which could not possibly motivate his colleagues to prod other people to file cases against Respondent.<sup>15</sup>

We adopt the findings and conclusions of the Investigating Commissioner, as sustained by the IBP Board of Governors, for being substantiated by the evidence on record.

The records show that Atty. Pedreña rubbed the complainant's right leg with his hand; tried to insert his finger into her firmly closed hand; grabbed her hand and forcibly placed it on his crotch area; and pressed his finger against her private part. Given the circumstances in which he committed them, his acts were not merely offensive and undesirable but repulsive, disgraceful and grossly immoral. They constituted misconduct on the part of any lawyer. In this regard, it bears stressing that immoral conduct is gross when it is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree, or when committed under such scandalous or revolting circumstances as to shock the community's sense of decency.<sup>16</sup>

The possession of good moral character is both a condition precedent and a continuing requirement to warrant admission to the Bar and to retain membership in the Legal Profession. Members of the Bar are clearly duty-bound to observe the highest degree of morality and integrity in order to safeguard the reputation of the Bar. Any errant behavior on the part of a lawyer that tends to expose a deficiency in moral character, honesty, probity

---

<sup>15</sup> Id. at 149-150.

<sup>16</sup> *Ventura v. Samson*, A.C. No. 9608, November 27, 2012, 686 SCRA 430, 441.

or good demeanor, be it in the lawyer's public or private activities, is sufficient to warrant the lawyer's suspension or disbarment.<sup>17</sup> Section 27, Rule 138 of the *Rules of Court*, provides that a member of the Bar may be disbarred or suspended for grossly immoral conduct, or violation of his oath as a lawyer. Towards that end, we have not been remiss in reminding members of the Bar to live up to the standards and norms of the Legal Profession by upholding the ideals and principles embodied in the *Code of Professional Responsibility*.

Atty. Pedreña's misconduct was aggravated by the fact that he was then a Public Attorney mandated to provide free legal service to indigent litigants, and by the fact that De Leon was then such a client. He also disregarded his oath as a public officer to serve others and to be accountable at all times, because he thereby took advantage of her vulnerability as a client then in desperate need of his legal assistance.

Yet, even as we agree with the findings of the IBP, we consider the recommended penalty of suspension for six months not commensurate with the gravity of the offensive acts committed.

Verily, the determination of the penalty to impose on an erring lawyer is within the Court's discretion. The exercise of the discretion should neither be arbitrary nor despotic, nor motivated by any animosity or prejudice towards the lawyer, but should instead be ever controlled by the imperative need to scrupulously guard the purity and independence of the Bar and to exact from the lawyer strict compliance with his duties to the Court, to his client, to his brethren in the profession, and to the general public.<sup>18</sup>

In determining the appropriate penalty to be imposed on Atty. Pedreña, therefore, we take into consideration judicial precedents on gross immoral conduct bearing on sexual matters. Although most of the judicial precedents dealt with lawyers who engaged in extramarital affairs, or cohabited with women other than their wives,<sup>19</sup> they are nonetheless helpful in gauging the degree of immorality committed by the respondent.

In *Advincula v. Macabata*,<sup>20</sup> the Court held that the errant lawyer's acts of turning his client's head towards him and then kissing her on the lips were distasteful, but still ruled that such acts, albeit offensive and

---

<sup>17</sup> Id. at 440-441, citing *Zaguirre v. Castillo*, Admin. Case No. 4921, March 6, 2003, 398 SCRA 658, 666.

<sup>18</sup> *Advincula v. Macabata*, A.C. No. 7204, March 7, 2007, 517 SCRA 600, 616.

<sup>19</sup> See *Dantes v. Dantes*, A.C. No. 6486, September 22, 2004, 438 SCRA 582; *Cojuangco, Jr. v. Palma*, Admin. Case No. 2474, September 15, 2004, 438 SCRA 306; *Macarrubo v. Macarrubo*, A.C. No. 6148, February 27, 2004, 424 SCRA 42; *Obusan v. Obusan, Jr.*, A.C. No. 1392, 128 SCRA 485; *Toledo v. Toledo*, Adm. Case No. 266, April 27, 1963, 7 SCRA 757.

<sup>20</sup> *Supra* note 16, at 614.

undesirable, were not grossly immoral. Hence, the respondent lawyer was merely reprimanded but reminded to be more prudent and cautious in his dealings with clients.

In *Barrientos v. Daarol*,<sup>21</sup> the respondent lawyer was disbarred, but the severest penalty was imposed not only because of his engaging in illicit sexual relations, but also because of his deceit. He had been already married and was about 41 years old when he proposed marriage to a 20-year-old girl. He succeeded in his seduction of her, and made her pregnant. He not only suggested that she abort the pregnancy, but he also breached his promise to marry her, and, in the end, even deserted her and their child.

In *Delos Reyes v. Aznar*,<sup>22</sup> the Court adjudged the respondent lawyer, a married man with children, highly immoral for having taken advantage of his position as the chairman of the College of Medicine of his school in enticing the complainant, then a student in the college, to have carnal knowledge with him under the threat that she would flunk in all her subjects should she refuse. The respondent was disbarred for grossly immoral conduct.

Without diminishing the gravity of the complainant's sad experience, however, we consider the acts committed by Atty. Pedreña to be not of the same degree as the acts punished under the cited judicial precedents. Neither did his acts approximate the act committed by the respondent lawyer in *Calub v. Suller*,<sup>23</sup> whereby we disbarred the respondent lawyer for raping his neighbor's wife notwithstanding that his guilt was not proved beyond reasonable doubt in his criminal prosecution for the crime. We further note that, unlike in *Barrientos* where there was deceit and in *Delos Reyes* where there were threats and taking advantage of the respondent lawyer's position, Atty. Pedreña did not employ any scheme to satiate his lust, but, instead, he desisted upon the first signs of the complainant's firm refusal to give in to his advances.

In view of these considerations, the penalty of suspension from the practice of law for two years is fitting and just.

**WHEREFORE**, the Court **SUSPENDS ATTY. TYRONE PEDREÑA** from the practice of law for two years effective upon receipt of this decision, with a **STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.

---

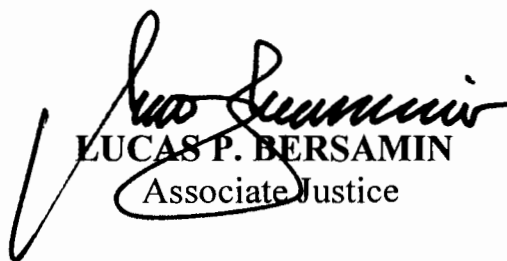
<sup>21</sup> Adm. Case No. 1512, January 29, 1993, 218 SCRA 30, 39.

<sup>22</sup> Adm. Case No. 1334, November 28, 1989, 179 SCRA 653.


<sup>23</sup> Adm. Case No. 1474, January 28, 2000, 323 SCRA 556.


Let copies of this decision be furnished to the Office of the Bar Confidant, to the Integrated Bar of the Philippines, and to the Office of the Court Administrator for dissemination to all courts throughout the country.

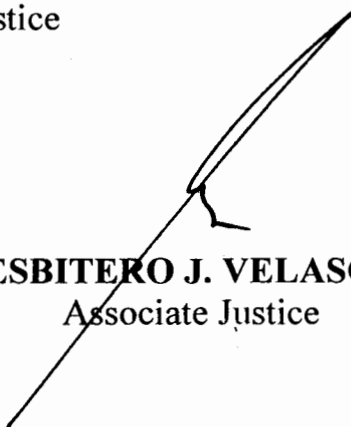
**SO ORDERED.**


  
**LUCAS P. BERSAMIN**  
Associate Justice

**WE CONCUR:**


  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

  
**ANTONIO T. CARPIO**  
Associate Justice


  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**ARTURO D. BRION**  
Associate Justice


  
**DIOSDADO M. PERALTA**  
Associate Justice

(On Leave)  
**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

  
**MARVIC MARIO VICTOR F. LEONEN**  
Associate Justice