



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated APRIL 11, 2023, which reads as follows:

“A.M. No. 22-09-01-SC

CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY

RESOLUTION

WHEREAS, pursuant to Section 5(5), Article VIII of the 1987 Constitution, the Supreme Court is vested with the power to promulgate rules concerning the pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged;

WHEREAS, it has been more than three decades since the Code of Professional Responsibility, which establishes the norms of conduct and ethical standards in the legal profession, was promulgated on June 21, 1988;

WHEREAS, the Code of Professional Responsibility, as promulgated, reflected the then prevailing trends, views and attitudes regarding the practice of law, while the role of modern-day lawyers has expanded and shifted from advocates to peacemakers, from solicitors to specialists, and from counterparts to collaborators;

WHEREAS, there have been significant developments in our laws and socio-economic life as a people, as well as the rapid technological advancements around

the world which have shaped the way lawyers interact with society, the legal profession, the courts, and their clients;

WHEREAS, considering the present direction and thrust of the Court towards strengthening a technology-driven judiciary through digitization and automation of its court processes, as well as a parallel transformation of its human resources, the use of technology in the legal profession draws attention to its wider and underlying ethical considerations;

WHEREAS, there is a timely and *bona fide* need to revise the Code of Professional Responsibility to take into account these role changes, recent developments and technological trends which impact the experience and behavior of members of the Philippine Bar mostly through social media and the internet;

WHEREAS, the Court, through the Strategic Plan for Judicial Innovations (SPJI) 2022-2027, identified the revision of the Code of Professional Responsibility as a component of its campaign for ethical responsibility under the Outcome of Efficiency;

WHEREAS, through Memorandum Order No. 111-2021, dated November 22, 2021, as amended by Memorandum Order No. 99-2022, dated July 1, 2022, the Sub-Committee for the Revision of the Code of Professional Responsibility was reorganized to review the Code. The Sub-Committee is composed of the following:

Chairperson: **Hon. Amy C. Lazaro-Javier**
Associate Justice, Supreme Court

Vice-Chairpersons: **Hon. Samuel H. Gaerlan**
Associate Justice, Supreme Court

Hon. Maria Filomena D. Singh
Associate Justice, Supreme Court

Members: **Hon. Geraldine C. Fiel-Macaraig**
Associate Justice, Court of Appeals

Hon. Ma. Theresa Dolores C. Gomez-Estoesta
Associate Justice, Sandiganbayan

Hon. Josefe C. Sorrera-Ty
Commissioner, Legal Education Board

Y

Hon. Caridad M. Walse-Lutero
*Presiding Judge, Regional Trial Court, Branch
223, Quezon City*

Hon. James T. Sy
*Presiding Judge, Regional Trial Court, Branch 49,
Manila*

Hon. Jackie B. Crisologo-Saguisag
*Presiding Judge, Metropolitan Trial Court,
Branch 67, Makati City*

Atty. Avelino V. Sales, Jr.
National Director for Bar Discipline

Dean Tranquil Gervacio S. Salvador III
*Representative, Integrated Bar of the Philippines
Quezon City Chapter*

Dean Ma. Soledad Deriquito-Mawis
*Chairperson, Philippine Association of Law
Schools*

Atty. Fina Bernadette dela Cuesta-Tantuico
*Past President and Adviser, Philippine Bar
Association*

Dean Joan S. Largo
*Vice President for Academic Affairs, University of
San Carlos*

Atty. Antonio Ceasar R. Manila
Office of the Chief Justice

Secretariat:

Atty. Marchellene B. Caday-Atitiw
Atty. Lloyd Danielle V. Javier
Secretaries
Office of Associate Justice Amy C. Lazaro-Javier

Atty. Cheska Ann M. Pazziuagan
Atty. Emerson M. Anit
Assistant Secretaries
Office of Associate Justice Samuel H. Gaerlan



Atty. Mcgyver L. Doria
Atty. Irish Jade G. Alimpolos
Atty. Mark Darryl P. Buemio
Atty. Samantha Grace M. Alban
Assistant Secretaries
Office of Associate Justice Maria Filomena D. Singh

Atty. Mell Christopher G. Lantion
Assistant Secretary
Office of Associate Justice Ma. Theresa Dolores C. Gomez-Estoesta

Stenographer: **Ms. Maria Lourdes M. Reyes**
Office of the Clerk of Court, Supreme Court En Banc

Administrative support: **Atty. Mae M. Bautista**
Office of the Chief Justice

Ms. Maria Lourdes A. Banal
Office of the Clerk of Court, Supreme Court En Banc

WHEREAS, the Sub-Committee conducted a series of information and consultation campaigns called the Ethics Caravan throughout the country, to gather suggestions and comments from relevant stakeholders, including Justices, judges, court personnel, government lawyers, private practitioners, the academe, the private sector, civil society organizations, and law students;

WHEREAS, the Court expresses its gratitude to the University of San Carlos, the University of Mindanao, the University of Nueva Caceres, St. Louis University, and the University of Santo Tomas for hosting the said Ethics Caravan;

NOW, THEREFORE, acting on the recommendation of the Chairperson and the Vice-Chairpersons of the Sub-Committee for the Revision of the Code of Professional Responsibility, the Court resolves to **APPROVE** “*the Code of Professional Responsibility and Accountability.*”

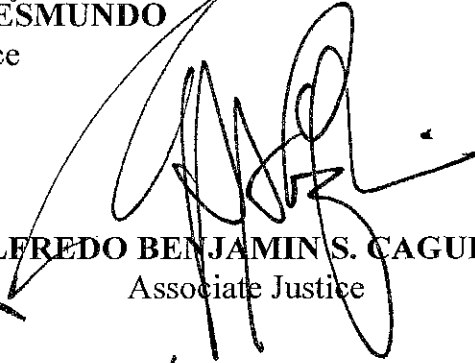
The Code of Professional Responsibility and Accountability shall take effect fifteen (15) calendar days after its publication in the Official Gazette or any newspaper of general circulation.



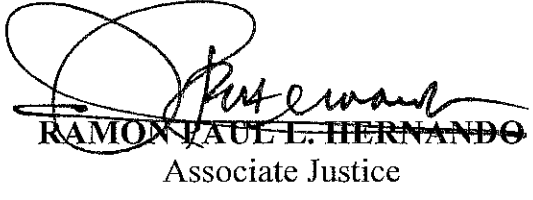
ALEXANDER G. GESMUNDO
Chief Justice



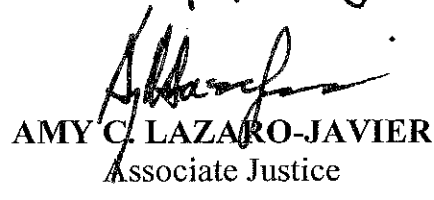
MARVIC M.V.F. LEONEN
Senior Associate Justice



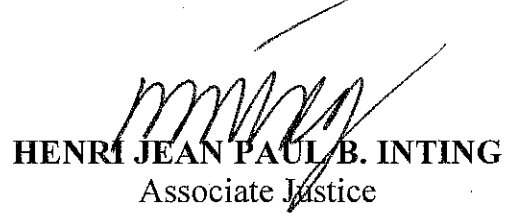
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



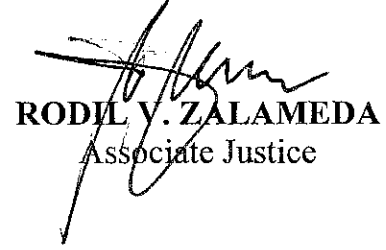
RAMON PAUL E. HERNANDO
Associate Justice



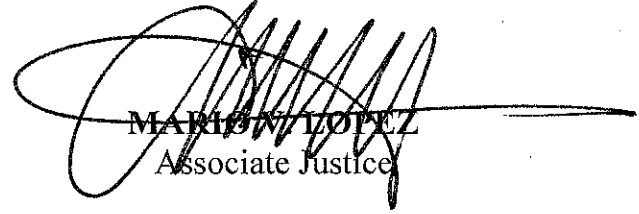
AMY C. LAZARO-JAVIER
Associate Justice



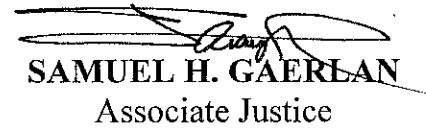
HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARISSA N. LOPEZ
Associate Justice



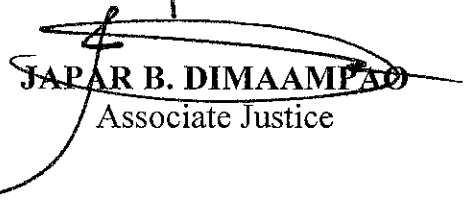
SAMUEL H. GAERLAN
Associate Justice



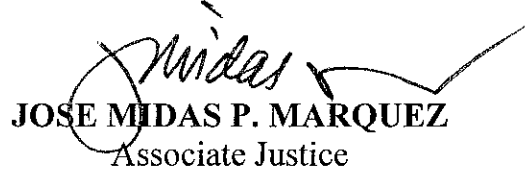
RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



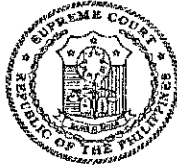
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice



Republic of the Philippines
Supreme Court
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CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY

PREAMBLE

Ethics is the experiential manifestation of moral standards. The observance of these standards of conduct is both a function of personal choice and formal compulsion. A lawyer is ideally ethical by personal choice. A code of ethics expressly adopted represents society's consensus and dictate to conform to a chosen norm of behavior that sustains the community's survival and growth.

The Code of Professional Responsibility and Accountability (CPRA), as an institutional imperative, is meant to foster an environment where ethical conduct performs a dedicated role in the administration of justice. In particular, the standards embodied in the CPRA uniquely address the characteristics of the Filipino lawyer as an amalgamation of influences and moorings, *i.e.*, familial, cultural, religious, academic, political, and philosophical. Inherently a social being, the Filipino lawyer inevitably develops and cultivates relations, preferences and biases. The conscious adoption of ethical standards that accounts for such relationships and personal choices balanced against the demands of right and justice is envisioned to govern and regulate these personal choices and make them consistent with the institutional objectives.

The existence of a free and an independent society depends upon the recognition of the concept that justice is based on the rule of law.

As a guardian of the rule of law, every lawyer, as a citizen, owes allegiance to the Constitution and the laws of the land; as a member of the legal profession, is bound by its ethical standards in both private and professional matters; as an officer of the court, assists in the administration of justice; and as a client's representative, acts responsibly upon a fiduciary trust.

An ethical lawyer is a lawyer possessed of integrity. Integrity is the sum total of all the ethical values that every lawyer must embody and exhibit. A lawyer with

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integrity, therefore, acts with independence, propriety, fidelity, competence and diligence, equality and accountability.

Failure to abide by the Code results in sanctions.

CANON I INDEPENDENCE

The independence of a lawyer in the discharge of professional duties without any improper influence, restriction, pressure, or interference, direct or indirect, ensures effective legal representation and is ultimately imperative for the rule of law.

SECTION 1. *Independent, accessible, efficient, and effective legal service.* — A lawyer shall make legal services accessible in an efficient and effective manner. In performing this duty, a lawyer shall maintain independence, act with integrity, and at all times ensure the efficient and effective delivery of justice.

SECTION 2. *Merit-based practice.* — A lawyer shall rely solely on the merits of a cause and not exert, or give the appearance of, any influence on, nor undermine the authority of, the court, tribunal or other government agency, or its proceedings.

SECTION 3. *Freedom from improper considerations and external influences.* — A lawyer shall not, in advocating a client's cause, be influenced by dishonest or immoral considerations, external influences, or pressure.

SECTION 4. *Non-interference by a lawyer.* — Unless authorized by law or a court, a lawyer shall not assist or cause a branch, agency, office or officer of the government to interfere in any matter before any court, tribunal, or other government agency.

SECTION 5. *Lawyer's duty and discretion in procedure.* — A lawyer shall not allow the client to dictate or determine the procedure in handling the case.

Nevertheless, a lawyer shall respect the client's decision to settle or compromise the case after explaining its consequences to the client.



CANON II PROPRIETY

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

SECTION 1. *Proper conduct.* — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

SECTION 2. *Dignified conduct.* — A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession.

SECTION 3. *Safe environment; avoid all forms of abuse or harassment.* — A lawyer shall not create or promote an unsafe or hostile environment, both in private and public settings, whether online, in workplaces, educational or training institutions, or in recreational areas.

To this end, a lawyer shall not commit any form of physical, sexual, psychological, or economic abuse or violence against another person. A lawyer is also prohibited from engaging in any gender-based harassment or discrimination.

SECTION 4. *Use of dignified, gender-fair, and child- and culturally-sensitive language.* — A lawyer shall use only dignified, gender-fair, child- and culturally-sensitive language in all personal and professional dealings.

To this end, a lawyer shall not use language which is abusive, intemperate, offensive or otherwise improper, oral or written, and whether made through traditional or electronic means, including all forms or types of mass or social media.

SECTION 5. *Observance of fairness and obedience.* — A lawyer shall, in every personal and professional engagement, insist on the observance of the principles of fairness and obedience to the law.

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SECTION 6. *Harassing or threatening conduct.* — A lawyer shall not harass or threaten a fellow lawyer, the latter's client or principal, a witness, or any official or employee of a court, tribunal, or other government agency.

SECTION 7. *Formal decorum and appearance.* — A lawyer shall observe formal decorum before all courts, tribunals, and other government agencies.

A lawyer's attire shall be consistent with the dignity of the court, tribunal, or other government agency, with due respect to the person's sexual orientation, gender identity, and gender expression.

SECTION 8. *Prohibition against misleading the court, tribunal, or other government agency.* — A lawyer shall not misquote, misrepresent, or mislead the court as to the existence or the contents of any document, argument, evidence, law, or other legal authority, or pass off as one's own the ideas or words of another, or assert as a fact that which has not been proven.

SECTION 9. *Obstructing access to evidence or altering, destroying, or concealing evidence.* — A lawyer shall not obstruct another lawyer's access to evidence during trial, including testimonial evidence, or alter, destroy, or conceal evidence.

SECTION 10. *Conduct in the presentation of a witness.* — A lawyer shall avoid all forms of impropriety when presenting or confronting a witness.

A lawyer shall not coach, abuse, discriminate against, or harass any witness, in or out of the court, tribunal, or other government agency, or talk to a witness during a break or recess in the trial, while a witness is still under examination. Neither shall a lawyer direct, assist, or abet any misrepresentation or falsehood by a witness.

SECTION 11. *False representations or statements; duty to correct.* — A lawyer shall not make false representations or statements. A lawyer shall be liable for any material damage caused by such false representations or statements.

A lawyer shall not, in demand letters or other similar correspondence, make false representations or statements, or impute civil, criminal, or administrative liability, without factual or legal basis.

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A lawyer shall correct false or inaccurate statements and information made in relation to an application for admission to the bar, any pleading, or any other document required by or submitted to the court, tribunal or agency, as soon as its falsity or inaccuracy is discovered or made known to him or her.

SECTION 12. *Duty to report dishonest, deceitful, or misleading conduct.* — A lawyer shall immediately inform a court, tribunal, or other government agency of any dishonest, deceitful or misleading conduct related to a matter being handled by said lawyer before such court, tribunal, or other government agency.

A lawyer shall also report to the appropriate authority any transaction or unlawful activity that is required to be reported under relevant laws, including the submission of covered and suspicious transactions under regulatory laws, such as those concerning anti-money laundering. When disclosing or reporting the foregoing information to the appropriate court, tribunal, or other government agency, the lawyer shall not be deemed to have violated the lawyer's duty of confidentiality.

Any such information shall be treated with strict confidentiality.

A baseless report shall be subject to civil, criminal, or administrative action.

SECTION 13. *Imputation of a misconduct, impropriety, or crime without basis.* — A lawyer shall not, directly or indirectly, impute to or accuse another lawyer of a misconduct, impropriety, or a crime in the absence of factual or legal basis.

Neither shall a lawyer, directly or indirectly, file or cause to be filed, or assist in the filing of frivolous or baseless administrative, civil, or criminal complaints against another lawyer.

SECTION 14. *Remedy for grievances; insinuation of improper motive.* — A lawyer shall submit grievances against any officer of a court, tribunal, or other government agency only through the appropriate remedy and before the proper authorities.

Statements insinuating improper motive on the part of any such officer, which are not supported by substantial evidence, shall be ground for disciplinary action.



SECTION 15. *Improper claim of influence or familiarity.* —

A lawyer shall observe propriety in all dealings with officers and personnel of any court, tribunal, or other government agency, whether personal or professional. Familiarity with such officers and personnel that will give rise to an appearance of impropriety, influence, or favor shall be avoided.

A lawyer shall not make claims of power, influence, or relationship with any officer of a court, tribunal, or other government agency.

SECTION 16. *Duty to report life-threatening situations.* — A

lawyer who has reasonable grounds to believe that a life-threatening situation is likely to develop in relation to any proceeding in any court, tribunal, or other government agency shall immediately report the same to the proper authorities.

SECTION 17. *Non-solicitation and impermissible advertisement.* — A lawyer shall not, directly or indirectly, solicit, or appear to solicit, legal business.

A lawyer shall not, directly or indirectly, advertise legal services on any platform or media except with the use of dignified, verifiable, and factual information, including biographical data, contact details, fields of practice, services offered, and the like, so as to allow a potential client to make an informed choice. In no case shall the permissible advertisement be self-laudatory.

A lawyer, law firm, or any of their representatives shall not pay or give any benefit or consideration to any media practitioner, award-giving body, professional organization, or personality, in anticipation of, or in return for, publicity or recognition, to attract legal representation, service, or retainership.

SECTION 18. *Prohibition against self-promotion.* — A lawyer shall not make public appearances and statements in relation to a terminated case or legal matter for the purpose of self-promotion, self-aggrandizement, or to seek public sympathy.

SECTION 19. *Sub-judice rule.* — A lawyer shall not use any forum or medium to comment or publicize opinion pertaining to a pending proceeding before any court, tribunal, or other government agency that may:

- (a) cause a pre-judgment, or

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- (b) sway public perception so as to impede, obstruct, or influence the decision of such court, tribunal, or other government agency, or which tends to tarnish the court's or tribunal's integrity, or
- (c) impute improper motives against any of its members, or
- (d) create a widespread perception of guilt or innocence before a final decision.

SECTION 20. *Disclosure of relationship or connection.* — A lawyer shall, at the first available opportunity, formally disclose on record the lawyer's relationship or connection with the presiding officer of any court, tribunal, or other government agency, or any of its personnel, or the lawyer's partners, associates, or clients, that may serve as a ground for mandatory inhibition in any pending proceeding before such court, tribunal, or other government agency.

SECTION 21. *Prohibition against gift-giving and donations.* — A lawyer shall not, directly or indirectly, give gifts, donations, contributions of any value or sort, on any occasion, to any court, tribunal or government agency, or any of its officers and personnel.

SECTION 22. *No undue advantage of ignorance of the law.* — A lawyer shall not take advantage of a non-lawyer's lack of education or knowledge of the law.

SECTION 23. *Instituting multiple cases; forum shopping.* — A lawyer shall not knowingly engage or through gross negligence in forum shopping, which offends against the administration of justice, and is a falsehood foisted upon the court, tribunal, or other government agency.

A lawyer shall not institute or advise the client to institute multiple cases to gain leverage in a case, to harass a party, to delay the proceedings, or to increase the cost of litigation.

SECTION 24. *Encroaching or interfering in another lawyer's engagement; exception.* — A lawyer shall not, directly or indirectly, encroach upon or interfere in the professional engagement of another lawyer.

This includes a lawyer's attempt to communicate, negotiate, or deal with the person represented by another lawyer on any matter,



whether pending or not in any court, tribunal, body, or agency, unless when initiated by the client or with the knowledge of the latter's lawyer.

A lawyer, however, may give proper advice and assistance to anyone seeking relief against perceived unfaithful or neglectful counsel based on the Code.

SECTION 25. *Responsibility of a solo practitioner.* — A lawyer in solo practice shall ensure that all matters requiring such lawyer's professional skill and judgment are promptly and competently addressed.

SECTION 26. *Definition of a law firm; choice of firm name.* — A law firm is any private office, partnership, or association, exclusively comprised of a lawyer or lawyers engaged to practice law, and who hold themselves out as such to the public.

In the choice of a firm name, no false, misleading, or assumed name shall be used. The continued use of the name of a deceased, incapacitated, or retired partner is permissible provided that the firm indicates in all its communications that said partner is deceased, incapacitated, or retired.

SECTION 27. *Partner who assumes public office.* — When a partner assumes public office, such partner shall withdraw from the firm and such partner's name shall be removed from the firm name, unless allowed by law to practice concurrently.

SECTION 28. *Dignified government service.* — Lawyers in government service shall observe the standard of conduct under the CPRA, the Code of Conduct and Ethical Standards for Public Officials and Employees, and other related laws and issuances in the performance of their duties.

Any violation of the CPRA by lawyers in government service shall be subject to disciplinary action, separate and distinct from liability under pertinent laws or rules.

SECTION 29. *Lawyers formerly in government service.* — A lawyer who has left government service shall not engage in private practice pertaining to any matter before the office where he or she used to be connected within a period of one (1) year from his or her separation from such office. Justices, judges, clerks of court, city, provincial, and regional prosecutors shall not appear before any court

within the territorial jurisdiction where they previously served within the same period.

After leaving government service, a lawyer shall not accept an engagement which could improperly influence the outcome of the proceedings which the lawyer handled or intervened in, or over which the lawyer previously exercised authority, while in said service.

SECTION 30. *No financial interest in transactions; no gifts.* — A lawyer in government shall not, directly or indirectly, promote or advance his or her private or financial interest or that of another, in any transaction requiring the approval of his or her office. Neither shall such lawyer solicit gifts or receive anything of value in relation to such interest.

Such lawyer in government shall not give anything of value to, or otherwise unduly favor, any person transacting with his or her office, with the expectation of any benefit in return.

SECTION 31. *Prosecution of criminal cases.* — The primary duty of a public prosecutor is not to convict but to see that justice is done.

Suppressing facts, concealing of, tampering with or destroying evidence, coaching a witness, or offering false testimony is cause for disciplinary action.

The obligations of a public prosecutor shall also be imposed upon lawyers in the private practice who are authorized to prosecute under the direct supervision and control of the public prosecutor.

SECTION 32. *Lawyers in the academe.* — A lawyer serving as a dean, administrative officer, or faculty member of an educational institution shall at all times adhere to the standards of behavior required of members of the legal profession under the CPRA, observing propriety, respectability, and decorum inside and outside the classroom, and in all media.

SECTION 33. *Conflict of interest for lawyers in the academe.* — A lawyer serving as a dean, administrative officer, or faculty member of an educational institution shall disclose to the institution any adverse interest of a client.



Upon discovery of any adverse interest of the lawyer's client which directly affects any student who is under his or her direct supervision and guidance, the lawyer shall likewise disclose the same to the institution.

SECTION 34. *Paralegal services; lawyer's responsibility.* — A paralegal is one who performs tasks that require familiarity with legal concepts, employed or retained by a lawyer, law office, corporation, governmental agency, or other entity for non-diagnostic and non-advisory work in relation to legal matters delegated by such lawyer, law office, corporation, governmental agency, or other entity.

A lawyer must direct or supervise a paralegal in the performance of the latter's delegated duties.

The lawyer's duty of confidentiality shall also extend to the services rendered by the paralegal, who is equally bound to keep the privilege.

SECTION 35. *Non-delegable legal tasks.* — A lawyer shall not delegate to or permit a non-lawyer, including a paralegal, to:

- (a) accept cases on behalf of the lawyer;
- (b) give legal advice or opinion;
- (c) act independently without the lawyer's supervision or direction;
- (d) to hold himself or herself out as a lawyer, or be named in association with a lawyer in any pleading or submission to any court, tribunal, or other government agency;
- (e) appear in any court, tribunal, or other government agency, or actively participate in formal legal proceedings on behalf of a client, except when allowed by the law or rules;
- (f) conduct negotiations with third parties unless allowed in administrative agencies, without a lawyer's supervision or direction;
- (g) sign correspondence containing a legal opinion; and

- (h) perform any of the duties that only lawyers may undertake.

These provisions shall not apply to law student practitioners under Rule 138-A of the Rules of Court.

RESPONSIBLE USE OF SOCIAL MEDIA

A lawyer shall uphold the dignity of the legal profession in all social media interactions in a manner that enhances the people's confidence in the legal system, as well as promote its responsible use.

SECTION 36. *Responsible use.* — A lawyer shall have the duty to understand the benefits, risks, and ethical implications associated with the use of social media.

SECTION 37. *Online posts.* — A lawyer shall ensure that his or her online posts, whether made in a public or restricted privacy setting that still holds an audience, uphold the dignity of the legal profession and shield it from disrepute, as well as maintain respect for the law.

SECTION 38. *Non-posting of false or unverified statements, disinformation.* — A lawyer shall not knowingly or maliciously post, share, upload or otherwise disseminate false or unverified statements, claims, or commit any other act of disinformation.

SECTION 39. *Prohibition against fraudulent accounts.* — A lawyer shall not create, maintain or operate accounts in social media to hide his or her identity for the purpose of circumventing the law or the provisions of the CPRA.

SECTION 40. *Non-disclosure of privileged information through online posts.* — A lawyer shall not reveal, directly or indirectly, in his or her online posts confidential information obtained from a client or in the course of, or emanating from, the representation, except when allowed by law or the CPRA.

SECTION 41. *Duty to safeguard client confidences in social media.* — A lawyer, who uses a social media account to communicate with any other person in relation to client confidences and information, shall exert efforts to prevent the inadvertent or unauthorized disclosure or use of, or unauthorized access to, such an account.

SECTION 42. *Prohibition against influence through social media.* — A lawyer shall not communicate, whether directly or indirectly, with an

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officer of any court, tribunal, or other government agency through social media to influence the latter's performance of official duties.

SECTION 43. *Legal information; legal advice.* — Pursuant to a lawyer's duty to society and the legal profession, a lawyer may provide general legal information, including in answer to questions asked, at any fora, through traditional or electronic means, in all forms or types of mass or social media.

A lawyer who gives legal advice on a specific set of facts as disclosed by a potential client in such fora or media dispenses Limited Legal Service and shall be bound by all the duties in the CPRA, in relation to such Limited Legal Service.

SECTION 44. *Online posts that could violate conflict of interest.* — A lawyer shall exercise prudence in making posts or comments in social media that could violate the provisions on conflict of interest under the CPRA.

CANON III FIDELITY

Fidelity pertains to a lawyer's duty to uphold the Constitution and the laws of the land, to assist in the administration of justice as an officer of the court, and to advance or defend a client's cause, with full devotion, genuine interest, and zeal in the pursuit of truth and justice.

SECTION 1. *Practice of law.* — The practice of law is the rendition of legal service or performance of acts or the application of law, legal principles, and judgment, in or out of court, with regard to the circumstances or objectives of a person or a cause, and pursuant to a lawyer-client relationship or other engagement governed by the CPRA. It includes employment in the public service or private sector and requires membership in the Philippine bar as qualification.

SECTION 2. *The responsible and accountable lawyer.* — A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice.

As an advocate, a lawyer shall represent the client with fidelity and zeal within the bounds of the law and the CPRA.

SECTION 3. *Lawyer-client relationship.* — A lawyer-client relationship is of the highest fiduciary character. As a trust relation, it is essential that the engagement is founded on the confidence reposed by the client on the lawyer. Therefore, a lawyer-client relationship shall arise when the client consciously, voluntarily and in good faith vests a lawyer with the client's confidence for the purpose of rendering legal services such as providing legal advice or representation, and the lawyer, whether expressly or impliedly, agrees to render such services.

SECTION 4. *Authority of lawyer to bind client.* — A lawyer can bind a client in a legal engagement only when so authorized through a written agreement. The lawyer, however, cannot compromise a client's litigation, or receive anything in discharge of a client's claim, without a special power of attorney for such purpose.

SECTION 5. *Authority of lawyer to appear.* — A lawyer is presumed to be properly authorized to represent any cause in which he or she appears, and no written power of attorney is required to authorize him or her to appear in court for the client.

The court, tribunal, or other government agency may, on its own initiative or on motion of either party, on just cause, require a lawyer to produce or prove the authority to appear on behalf of the client.

SECTION 6. *Fiduciary duty of a lawyer.* — A lawyer shall be mindful of the trust and confidence reposed by the client.

To this end, a lawyer shall not abuse or exploit the relationship with a client.

SECTION 7. *Prohibition against frivolous suits and abuse of court processes.* — A lawyer shall not:

- (a) file or encourage the filing of any suit or proceeding not authorized by law or jurisprudence and without any evidentiary support;
- (b) unduly impede the execution of an order or judgment which is warranted; or
- (c) abuse court processes.

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SECTION 8. *Lawyer's duty to encourage settlement.* — A lawyer shall encourage the client to avoid, end or settle a controversy, whether pending or not, in order to reach a settlement or a compromise if the matter can be compromised under the law and will admit of a fair settlement.

To this end, the lawyer shall actively assist the parties and the court, tribunal, or other government agency to effect mediation and/or dispute resolution.

SECTION 9. *Duty to call client to rectify fraudulent act.* — A lawyer who receives information that a client has, in the course of the representation, perpetrated a fraud in relation to any matter subject of the representation before a court, tribunal, or other government agency, or against any officer thereof, shall promptly call upon the client to rectify the same. Such fraudulent act on the part of the client shall be a ground for the termination by the lawyer of the engagement.

SECTION 10. *Responsibility over a subordinate lawyer, paralegal, or employee.* — A lawyer or law firm shall be responsible for the mistakes, negligence, and/or acts or omissions of a subordinate lawyer, paralegal, or employee under the lawyer's direct supervision and control, who is acting within the scope of the assigned tasks, that cause damage or injury which brings dishonor to the profession or violates the rule on confidentiality.

However, such liability of the supervising lawyer does not attach upon proof of exercise of diligence of a good parent of a family in the selection and supervision of subordinate lawyer, paralegal, or employee.

SECTION 11. *Responsibility of a supervisory lawyer over a supervised lawyer.* — A supervisory lawyer shall co-sign a pleading or other submission to any court, tribunal, or other government agency with a supervised lawyer. A supervisory lawyer shall be responsible for a violation of the CPRA by the supervised lawyer in any of the following instances:

- (a) the supervisory lawyer orders or directs the specific conduct or, with knowledge of the specific conduct, ratifies it; or
- (b) the supervisory lawyer knows of such conduct at a time when it could be prevented or its consequences avoided or mitigated, but fails to take reasonable remedial action; or

- (c) the supervisory lawyer should have known of the conduct so that reasonable remedial action could have been taken at a time when the consequences of the conduct could have been avoided or mitigated.

A supervisory lawyer is a lawyer having direct supervisory authority over another lawyer, including a supervising lawyer under Rule 138-A of the Rules of Court.

SECTION 12. *Responsibilities of a supervised lawyer.* — A supervised lawyer acting under the direction of the supervising lawyer, managing partner, or other partners of the firm is nevertheless bound by the CPRA.

SECTION 13. *Conflict of interest.* — A lawyer shall not represent conflicting interests except by written informed consent of all concerned given after a full disclosure of the facts.

There is conflict of interest when a lawyer represents inconsistent or opposing interests of two or more persons. The test is whether in behalf of one client it is the lawyer's duty to fight for an issue or claim, but which is his or her duty to oppose for the other client.

SECTION 14. *Prohibition against conflict-of-interest representation; current clients.* — In relation to current clients, the following rules shall be observed:

- (a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client unless:
 - (1) it is shown that the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
 - (2) the client is advised in writing of the desirability of seeking, and is given a reasonable opportunity to seek, the advice of another independent lawyer on the transaction; and
 - (3) the client gives written informed consent to the essential terms of the transaction and the lawyer's

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role in the transaction, including whether the lawyer is representing the client in the transaction.

- (b) A lawyer shall not use confidential information relating to representation of a client without the client's written informed consent, except as permitted or required by law or the CPRA.
- (c) A lawyer shall not, by undue influence, acquire any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer such gift, directly or indirectly.
- (d) Unless with the written informed consent of the client and subject to the application of the *sub judice* rule, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.
- (e) A lawyer shall not accept compensation for representing a client from any person other than the client, unless:
 - (1) the client gives written informed consent;
 - (2) there is no interference with the lawyer's independence or professional judgment or with the lawyer-client relationship; or
 - (3) the information relating to representation of a client is protected as required by the rule on privileged communication.
- (f) A lawyer, who represents two or more clients in the same case, in case there is a settlement or plea-bargaining, shall disclose to all the clients the existence and nature of all the claims or pleas involved and the participation of each client in the settlement or plea-bargaining.
- (g) A lawyer shall avoid testifying in behalf of the client, except:

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- (1) on formal matters, such as the mailing, authentication or custody of an instrument, and the like; or
- (2) on substantial matters, in cases where the testimony is essential to the ends of justice, in which event the lawyer must, during the testimony, entrust the trial of the case to another counsel.

SECTION 15. *Conflict of interest of a lawyer hired by a law firm.* — When a lawyer joins a law firm, it shall be the duty of the lawyer to disclose to the law firm, at the earliest possible opportunity, his or her previous clients that may have a potential conflict of interest with the current clients of the law firm. If there is a potential conflict of interest, the lawyer shall not act on the case or cases of the affected current client.

SECTION 16. *Prohibition against dating, romantic, or sexual relations with a client.* — A lawyer shall not have dating, romantic, or sexual relations with a client during the engagement, unless the consensual relationship existed between them before the lawyer-client relationship commenced.

SECTION 17. *Prohibition against conflict-of-interest representation; prospective clients.* — In relation to prospective clients, the following rules shall be observed:

- (a) A lawyer shall, at the earliest opportunity, ascertain the existence of any conflict of interest between a prospective client and current clients, and immediately disclose the same if found to exist.

In case of an objection by either the prospective or current client, the lawyer shall not accept the new engagement.

- (b) A lawyer shall maintain the private confidences of a prospective client even if no engagement materializes, and shall not use any such information to further his or her own interest, or the interest of any current client.

SECTION 18. *Prohibition against conflict-of-interest representation; former clients.* — In relation to former clients, the following rules shall be observed:

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- (a) A lawyer shall maintain the private confidences of a former client even after the termination of the engagement, except upon the written informed consent of the former client, or as otherwise allowed under the CPRA or other applicable laws or regulations, or when the information has become generally known.
- (b) A lawyer shall not use information relating to the former representation, except as the CPRA or applicable laws and regulations would permit or require with respect to a current or prospective client, or when the information has become generally known.
- (c) Unless the former client gives written informed consent, a lawyer who has represented such client in a legal matter shall not thereafter represent a prospective client in the same or related legal matter, where the prospective client's interests are materially adverse to the former client's interests.

SECTION 19. *Corporate lawyers; conflict of interest.* — In relation to organizational clients, a lawyer who represents a corporation or any organization does not, by virtue of such representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary.

A lawyer for a corporation or other organization, who is also a member of its board of directors or trustees, shall determine whether the responsibilities of the two roles may conflict. In the event of the latter, the lawyer shall disclose the conflict of interest to all concerned parties.

SECTION 20. *Legal services organization; conflict of interest.* — A legal services organization is any private organization, including a legal aid clinic, partnership, association, or corporation, whose primary purpose is to provide free legal services.

A lawyer-client relationship shall arise only between the client and the handling lawyers of the legal services organization. All the lawyers of the legal services organization who participated in the handling of a legal matter shall be covered by the rule on conflict of interest and confidentiality.

SECTION 21. *Lawyers in government service; conflict of interest.* — A lawyer currently serving in the government shall not

practice law privately, unless otherwise authorized by the Constitution, the law or applicable Civil Service rules and regulations. If allowed, private practice shall be upon the express authority of the lawyer's superior, for a stated specified purpose or engagement, and only during an approved leave of absence. However, the lawyer shall not represent an interest adverse to the government.

SECTION 22. *Public Attorney's Office; conflict of interest.* — The Public Attorney's Office is the primary legal aid service office of the government. In the pursuit of its mandate under its charter, the Public Attorney's Office shall ensure ready access to its services by the marginalized sectors of society in a manner that takes into consideration the avoidance of potential conflict of interest situations which will leave these marginalized parties unassisted by counsel.

A conflict of interest of any of the lawyers of the Public Attorney's Office incident to services rendered for the Office shall be imputed only to the said lawyer and the lawyer's direct supervisor. Such conflict of interest shall not disqualify the rest of the lawyers from the Public Attorney's Office from representing the affected client, upon full disclosure to the latter and written informed consent.

SECTION 23. *Amicus curiae.* — A lawyer shall not decline, without just cause, a request by any court, tribunal, or other government agency to act as *amicus curiae* in any proceeding relating to the lawyer's expertise or field of specialization.

SECTION 24. *Active involvement in legal education.* — A lawyer shall keep abreast of legal developments, participate in continuing legal education programs, and support efforts to achieve standards of excellence in law schools as well as in the practical training of law students.

In addition, a lawyer shall assist the Integrated Bar of the Philippines (IBP), law schools, law alumni associations, law associations, or civic organizations, in educating the public on the law and jurisprudence.

The IBP Chapters shall provide supervising lawyers to the legal aid clinics in their jurisdiction.

SECTION 25. *Support for legal internship, apprenticeship, and training.* — To prepare the next generation of lawyers for ethical practice, lawyers shall support legal internship and apprenticeship programs and accept law students for training.



The lawyer shall treat the apprentices as junior colleagues and future counsels, and shall conscientiously supervise them.

SECTION 26. *Prompt payment of membership dues.* — A lawyer shall promptly pay the annual membership dues in the IBP, unless expressly exempt from such payment by law or rules.

SECTION 27. *Confidentiality of privileged communication.* — A lawyer shall maintain the confidences of the client, and shall respect data privacy laws. The duty of confidentiality shall continue even after the termination of the lawyer-client engagement.

SECTION 28. *Protecting client confidences.* — A lawyer shall not reveal the confidences of the client, including data from the client's files, except;

- (a) When a written informed consent is obtained from the client;
- (b) When required by law, such as anti-money laundering statutes, or the Rules of Court;
- (c) To the extent necessary, to collect the lawyer's fees;
- (d) In defense of the lawyer, or the lawyer's employees or associates; or
- (e) By judicial order, but only if material.

SECTION 29. *Duty of confidentiality by former lawyers of a law firm.* — A lawyer shall continue to be bound by the rule on confidentiality pertaining to clients of his or her previous law office or law firm.

SECTION 30. *Duty of confidentiality of members of a law firm.* — A lawyer may disclose the legal matters entrusted by a client of the firm to the partners and associates, as well as paralegals, legal assistants, law clerks, legal researchers, law interns, and other non-legal staff, who are or will be involved in the handling of the client's account, unless expressly prohibited by the client.



A lawyer directly entrusted with a client's confidences shall adopt necessary measures to prevent other members of the law firm, both legal and non-legal, to whom the client's confidences have been shared, from disclosing or using them, without the written informed consent of the client.

SECTION 31. *Prohibition against filial disclosure.* — A lawyer shall not discuss a client's confidences even with family members.

SECTION 32. *Non-disclosure of legal consultation.* — A lawyer shall not reveal that he or she has been consulted about a particular case except to avoid possible conflict of interest.

SECTION 33. *Foreign lawyers.* — Foreign lawyers cannot, directly or indirectly, practice law in the Philippines.

SECTION 34. *Active participation in the development of the legal profession.* — A lawyer shall participate in the development of the legal system by initiating or supporting efforts in law reform, the improvement of the administration of justice, strengthening the judicial and legal system, and advocacies in areas of special concern such as the environment, indigenous peoples' rights, human rights, access to justice, and good governance.

SECTION 35. *Limited Legal Services.* — Limited Legal Services refer to services for a specific legal incident, with the expectation by the lawyer and the client that the lawyer will not provide continuing legal services in the matter. This includes being appointed as counsel *de officio* only for arraignment purposes or special appearances to make any court submission, to give advice, to draft legal documents, to provide legal assistance before courts or administrative bodies, and the like.

In all instances, the lawyer shall state that the service being rendered is in the nature of Limited Legal Services.

A lawyer who renders Limited Legal Services shall be entitled to compensation as may be agreed upon or provided by the Rules of Court.

SECTION 36. *Pro bono Limited Legal Services.* — A lawyer appointed by the court as counsel *de officio* shall not refuse to render Limited Legal Services *pro bono* on the ground of conflict of interest. Instead, the lawyer shall disclose to all affected parties such conflict of interest.



In any case, the lawyer may not refuse to render such *pro bono* legal services to the person concerned if only to the extent necessary to safeguard the latter's fundamental rights and not to deprive such person of remedies available under the law or rules.

A lawyer currently serving in the government shall not be exempt from *pro bono* service and may be appointed by any court, tribunal, or other government agency as *counsel de officio*, unless prohibited by law, or the applicable Civil Service rules and regulations, or when there is a conflict of interest with the government.

SECTION 37. *Duty of confidentiality in Limited Legal Services.* — A lawyer who provides Limited Legal Services must protect the client's private confidences to the same extent as if engaged under regular terms.

SECTION 38. *Termination of Limited Legal Services.* — Unless governed by Canon III, Section 36, a lawyer must cease to provide Limited Legal Services to a client when the lawyer becomes aware that there may be an actual or potential conflict of interest, except with the written informed consent of the client.

In all cases, the Limited Legal Services terminates upon the completion of such services.

SECTION 39. *Limited Legal Services of law student practitioners.* — The Limited Legal Services rendered by a law student practitioner under the Clinical Legal Education Program shall be governed by the CPRA.

SECTION 40. *Accountability of legal clinic director and supervising lawyer.* — A law student clinic director and supervising lawyer, under Rule 138-A of the Rules of Court shall provide meaningful training to law students. They shall assume responsibility for any work performed by the law student while under their supervision and shall comply with all the laws, rules, and guidelines pertaining to Law Student Practice.

SECTION 41. *Fair and reasonable fees.* — A lawyer shall charge only fair and reasonable fees.

Attorney's fees shall be deemed fair and reasonable if determined based on the following factors:

- (a) The time spent and the extent of the service rendered or required;
- (b) The novelty and difficulty of the issues involved;
- (c) The skill or expertise of the lawyer, including the level of study and experience required for the engagement;
- (d) The probability of losing other engagements as a result of acceptance of the case;
- (e) The customary charges for similar services and the recommended schedule of fees, which the IBP chapter shall provide;
- (f) The quantitative or qualitative value of the client's interest in the engagement, or the benefits resulting to the client from the service;
- (g) The contingency or certainty of compensation;
- (h) The character of the engagement, whether limited, seasonal, or otherwise; and
- (i) Other analogous factors.

SECTION 42. *Division of fees upon referral.* — A lawyer shall, in case of referral of legal services in favor of another lawyer with the written informed consent of the client, be entitled to a division of fees in proportion to the work performed and responsibility assumed.

Where a lawyer undertakes to complete unfinished legal business of a deceased lawyer, a division or sharing of fees is allowed with the deceased lawyer's legal heirs or estate.

SECTION 43. *Non-Sharing of fees with non-lawyers.* — A lawyer shall not share, split, or divide or stipulate to divide, directly or indirectly, a fee for legal services with persons or organizations not licensed or authorized to practice law.

SECTION 44. *Payment of compensation by third party.* — A lawyer shall not receive any fee, reward, costs, commission, interest, rebate or forwarding allowance or other compensation from anyone

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other than the client, except upon the written informed consent of such client.

Receipt of compensation from someone other than the client must not interfere with the lawyer's independence, professional judgment, or the lawyer-client relationship. Neither should information relating to representation of a client be disclosed in violation of the rule on privileged communication.

SECTION 45. *Prompt payment of legal fees.* — A lawyer is entitled to prompt payment from the client of attorney's fees.

Absent an express agreement as to professional fees, a lawyer is entitled to be paid reasonable attorney's fees in accordance with Canon III, Section 41.

SECTION 46. *Controversy over legal fees.* — A lawyer shall avoid any controversy with a client concerning fees for legal services and shall resort to judicial action solely to prevent imposition, injustice or fraud.

SECTION 47. *Enforcement of attorney's lien.* — In case of non-payment of attorney's fees, a lawyer may resort to the enforcement of the attorney's lien under Canon III, Section 54, by filing a Notice of Enforcement of Attorney's Lien with the court, tribunal, or other government agency of origin where the action or proceeding the lawyer rendered service for is pending, without prejudice to other remedies under the law or the Rules of Court. The Notice shall be accompanied by proof of the services rendered, and served on the client. The court, tribunal, or other government agency, after hearing, shall determine the lawyer's entitlement to the claimed fees.

The enforcement of an attorney's lien shall be treated as an independent claim and shall in no instance delay the resolution of the main case. The resolution of the lawyer's claim may be included in the main judgment or in a separate partial judgment. In the case of a partial judgment, the same shall be subject of appeal.

An appeal in the main case shall not stay the execution of the lawyer's lien. In the execution of the judgment in the main case, the court shall give due consideration to the pending claim of the lawyer.

If the claim for attorney's lien arises after a decision has been rendered by the court, tribunal, or other government agency of origin

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on the action or proceeding, the claim for the enforcement of the lien shall be by an independent action.

SECTION 48. *Compensation for counsel de officio.* — Subject to availability of funds as may be provided by law, the court may, in its discretion, order a lawyer engaged as *counsel de officio* to be compensated in such sum as the court may fix following Canon III, Section 41, provided that it is not covered by the provision on Limited Legal Services.

SECTION 49. *Accounting during engagement.* — A lawyer, during the existence of the lawyer-client relationship, shall account for and prepare an inventory of any fund or property belonging to the client, whether received from the latter or from a third person, immediately upon such receipt.

When funds are entrusted to a lawyer by a client for a specific purpose, the lawyer shall use such funds only for the client's declared purpose. Any unused amount of the entrusted funds shall be promptly returned to the client upon accomplishment of the stated purpose or the client's demand.

SECTION 50. *Separate funds.* — A lawyer shall keep the funds of the clients separate and apart from his or her own and those of others kept by the lawyer.

SECTION 51. *Prohibition against acquiring interest in object of litigation or transaction.* — A lawyer shall not acquire, directly or indirectly, a proprietary interest in the property or rights which is the object of any litigation or transaction in which the lawyer may take part by virtue of the profession.

SECTION 52. *Prohibition on lending and borrowing; exceptions.* — During the existence of the lawyer-client relationship, a lawyer shall not lend money to a client, except under urgent and justifiable circumstances. Advances for professional fees and necessary expenses in a legal matter the lawyer is handling for a client shall not be covered by this rule.

Neither shall a lawyer borrow money from a client during the existence of the lawyer-client relationship, unless the client's interests are fully protected by the nature of the case, or by independent advice. This rule does not apply to standard commercial transactions for products or services that the client offers to the public in general, or where the lawyer and the client have an existing or prior business

relationship, or where there is a contract between the lawyer and the client.

SECTION 53. *Termination of engagement by the lawyer.* — A lawyer shall terminate the lawyer-client engagement only for good cause and upon written notice, in any of the following cases:

- (a) When the client pursues an illegal or immoral course of conduct in connection with the engagement;
- (b) When the client insists that the lawyer pursue conduct that is violative of these Canons and rules;
- (c) When the lawyer's inability to work with a co-counsel will not promote the best interest of the client;
- (d) When the moral predisposition or the mental or physical condition of the lawyer renders it difficult to carry out the engagement effectively;
- (e) When the client deliberately fails to pay the fees for the lawyer's services, fails to comply with the retainer agreement, or can no longer be found despite diligent efforts;
- (f) When the lawyer is elected or appointed to public office;
- (g) Other similar cases.

SECTION 54. *Termination of engagement by the client.* — The lawyer-client engagement may be terminated by the client at any time upon loss of trust and confidence.

The termination of the engagement shall not relieve the client from full payment of all professional fees due to the lawyer. If the engagement has been reduced to writing, the lawyer shall be entitled to recover from the client the full compensation stipulated, unless found by the court, tribunal or other government agency to be unconscionable or unreasonable under Canon III, Section 41 of the CPRA.

For the payment of the compensation, the lawyer shall have a charging lien upon all judgments for the payment of money, and

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executions issued in pursuance of such judgment, rendered in the case where the lawyer's services had been retained by the client.

SECTION 55. *Termination of engagement upon death.* — The death of the lawyer or client shall terminate the lawyer-client relationship. The death of such lawyer shall not extinguish the lawyer-client engagement between the law firm and the client handled by such law firm.

SECTION 56. *Accounting and turn over upon termination of engagement.* — A lawyer who is discharged from or terminates the engagement shall, subject to an attorney's lien, immediately render a full account of and turn over all documents, evidence, funds, and properties belonging to the client.

The lawyer shall cooperate with the chosen successor in the orderly transfer of the legal matter, including all information necessary for the efficient handling of the client's representation.

A lawyer shall have a lien upon the funds, documents, and papers of the client which have lawfully come into his or her possession and may retain the same until the fair and reasonable fees and disbursements have been paid, and may apply such funds to the satisfaction thereof.

CANON IV COMPETENCE AND DILIGENCE

A lawyer professionally handling a client's cause shall, to the best of his or her ability, observe competence, diligence, commitment, and skill consistent with the fiduciary nature of the lawyer-client relationship, regardless of the nature of the legal matter or issues involved, and whether for a fee or *pro bono*.

SECTION 1. *Competent, efficient and conscientious service.* — A lawyer shall provide legal service that is competent, efficient, and conscientious. A lawyer shall be thorough in research, preparation, and application of the legal knowledge and skills necessary for an engagement.

SECTION 2. *Undertaking legal services; collaborating counsel.* — A lawyer shall only undertake legal services he or she can deliver.

With the prior written consent of the client, a lawyer may secure the services of a collaborating counsel.

SECTION 3. *Diligence and punctuality.* — A lawyer shall diligently and seasonably act on any legal matter entrusted by a client.

A lawyer shall be punctual in all appearances, submissions of pleadings and documents before any court, tribunal or other government agency, and all matters professionally referred by the client, including meetings and other commitments.

SECTION 4. *Diligence in all undertakings.* — A lawyer shall observe diligence in all professional undertakings, and shall not cause or occasion delay in any legal matter before any court, tribunal, or other agency.

A lawyer shall appear for trial adequately familiar with the law, the facts of the case, and the evidence to be presented. A lawyer shall also be ready with the object and documentary evidence, as well as the judicial affidavits of the witnesses, when required by the rules or the court.

SECTION 5. *Prompt and objective assessment of the merits.* — A lawyer shall, after reasonable inquiry, promptly give an objective assessment of the merits and probable results of the client's case.

A lawyer shall explain the viable options to the client to enable an informed decision regarding the matter.

SECTION 6. *Duty to update the client.* — A lawyer shall regularly inform the client of the status and the result of the matter undertaken, and any action in connection thereto, and shall respond within a reasonable time to the client's request for information.

SECTION 7. *Extension of time to file.* — A lawyer shall avoid asking for an extension of time to file any pleading, motion, or other court submission, except when allowed by the Rules of Court or for good cause.

When an extension is obtained, the lawyer shall not let the period lapse without submitting the pleading, motion, or other court submission, except upon the client's decision not to pursue the case any further or for other justifiable cause.

SECTION 8. *Lifelong learning.* — A competent lawyer engages in lifelong learning through the continued development of professional skills.

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SECTION 9. *Practice of law concurrent with another profession.* — A lawyer who is engaged in another profession or occupation concurrently with the practice of law shall expressly provide in the pertinent contract the nature of the services the lawyer is engaged to perform.

The practice of another profession or occupation shall not jeopardize such lawyer's competence, integrity, probity, and independence in rendering legal services.

SECTION 10. *Non-legal activities.* — A lawyer who is engaged in business or other non-legal profession shall likewise observe the ethical duties and responsibilities of a lawyer under the CPRA.

CANON V EQUALITY

Every lawyer shall adhere to the principle of equality and hold firmly the belief that every person, regardless of nationality or ethnicity, color, sexual orientation or gender identity, religion, disability, age, marital status, social or economic status, and other like circumstances, has the fundamental right to equal treatment and representation.

As such, the lawyer shall accord equal respect, attention, dedication and zeal in advancing the client's cause, regardless of personal opinion, religious or political beliefs pertaining on the personal circumstances of the client, except for justifiable reasons.

SECTION 1. *Non-discrimination.* — A lawyer shall not decline to represent a person solely on account of the latter's nationality or ethnicity, sexual orientation or gender identity, religion, disability, age, marital status, social or economic status, political beliefs, or such lawyer's or the public's opinion regarding the guilt of said person, except for justifiable reasons.

SECTION 2. *Treatment of vulnerable persons.* — In dealing with a client who belongs to a vulnerable sector, a lawyer shall be mindful and sensitive of, and consider the client's special circumstances, as well as the applicable laws and rules.

The lawyer shall observe a higher standard of service suited to the particular needs of the vulnerable person and shall assert such person's right to meaningful access to justice.

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A vulnerable person is a person who is at a higher risk of harm than others, and shall include children, the elderly, the homeless, persons with disability, persons deprived of liberty, human rights victims, victims of domestic violence, victims of armed conflict, those who are socio-economically disadvantaged, those who belong to racial or ethnic minorities, or those with debilitating physical or mental conditions.

SECTION 3. *Indigent person.* — A lawyer shall not refuse the representation of an indigent person, except if:

- (a) the lawyer is not in a position to carry out the work effectively or competently due to a justifiable cause;
- (b) the lawyer will be placed in a conflict-of-interest situation; or
- (c) the lawyer is related to the potential adverse party, within the sixth degree of consanguinity or affinity, or to the adverse counsel, within the fourth degree.

An indigent is any person who has no money or property sufficient for food, shelter and other basic necessities for oneself and one's family.

SECTION 4. *Standard of service.* — A lawyer shall observe the same standard of service for all clients, regardless of remuneration, except for the higher standard required for representation of vulnerable persons.

CANON VI ACCOUNTABILITY

By taking the Lawyer's Oath, a lawyer becomes a guardian of the law and an administrator of justice. As such, the lawyer shall observe the highest degree of morality, adhere to rigid standards of mental fitness, and faithfully comply with the rules of the legal profession.

Failure to honor this covenant makes the lawyer unfit to continue in the practice of law and accountable to society, the courts, the legal profession, and the client.

SECTION 1. *Nature of disciplinary proceedings against lawyers.* — Disciplinary proceedings against lawyers shall be confidential in character and summary in nature.



Nonetheless, the final order of the Supreme Court shall be published like its decisions in other cases.

SECTION 2. *How instituted.* — Proceedings for the disbarment, suspension, or discipline of lawyers may be commenced by the Supreme Court on its own initiative, or upon the filing of a verified complaint by the Board of Governors of the IBP, or by any person, before the Supreme Court or the IBP. However, a verified complaint against a government lawyer which seeks to discipline such lawyer as a member of the Bar shall only be filed in the Supreme Court.

A verified complaint filed with the Supreme Court may be referred to the IBP for investigation, report and recommendation, except when filed directly by the IBP, in which case, the verified complaint shall be referred to the Office of the Bar Confidant or such fact-finding body as may be designated.

Complaints for disbarment, suspension and discipline filed against incumbent Justices of the Court of Appeals, Sandiganbayan, Court of Tax Appeals and judges of lower courts, or against lawyers in the judicial service, whether they are charged singly or jointly with other respondents, and whether such complaint deals with acts unrelated to the discharge of their official functions, shall be forwarded by the IBP to the Supreme Court for appropriate disposition under Rule 140, as amended.

SECTION 3. *Contents of the complaint.* — The complaint shall be verified. It shall state clearly and concisely the acts or omissions complained of and shall be supported by judicial affidavits of the witnesses and such other documents in support thereof.

If the verified complaint is filed before the IBP, six (6) copies thereof shall be filed with the Secretary of the IBP or the Secretary of any of its chapters, who shall forthwith transmit the same to the IBP Board of Governors.

SECTION 4. *List of Investigating Commissioners; qualifications.* — The IBP shall recommend to the Supreme Court one hundred fifty (150) lawyers in good standing and repute, whom the IBP shall proportionately select from its nine (9) regions. The IBP may periodically recommend the adjustment of the number of Investigating Commissioners to the Supreme Court according to the existing caseload.

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The list, with the *curriculum vitae* of the recommended lawyers, shall be submitted by the IBP within a month from the effectivity of the Code.

Only those approved by the Supreme Court may be designated as Investigating Commissioners, who shall serve for a term of three (3) years, unless sooner removed, replaced or resigned.

An updated list shall be submitted by the IBP to the Supreme Court upon removal, replacement, or resignation of a lawyer previously designated as Investigating Commissioner by the Supreme Court.

All approved Investigating Commissioners shall take an oath of office in the form prescribed by the IBP. A copy of the Investigating Commissioner's appointment and oath shall be transmitted to the Supreme Court.

SECTION 5. *Assignment by raffle of Investigating Commissioner.* — The IBP Board of Governors shall assign by raffle an Investigating Commissioner from among the lawyers approved by the Supreme Court in the list submitted by the IBP or, when special circumstances so warrant, a panel of three (3) Investigating Commissioners, to investigate the complaint.

SECTION 6. *Complaint against a government lawyer.* — When a complaint is filed against a government lawyer, the Investigating Commissioner shall determine, within five (5) calendar days from assignment by raffle, whether the concerned agency, the Ombudsman, or the Supreme Court has jurisdiction. If the allegations in the complaint touch upon the lawyer's continuing obligations under the CPRA or if the allegations, assuming them to be true, make the lawyer unfit to practice the profession, then the Investigating Commissioner shall proceed with the case. Otherwise, the Investigating Commissioner shall recommend that the complaint be dismissed.

SECTION 7. *Disqualification of Investigating Commissioner.* — An Investigating Commissioner shall, on his or her own initiative or upon motion, recuse from acting as such on the grounds of relationship within the fourth degree of consanguinity or affinity with any of the parties or their counsel, professional legal relationship, pecuniary interest, or where he or she has acted as counsel for either party, unless, in the last instance, the parties sign and enter upon the record their written consent.

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Where an Investigating Commissioner does not disqualify himself or herself, a party may file the appropriate motion for disqualification before the IBP Board of Governors. The IBP Board of Governors shall resolve the motion within five (5) calendar days from receipt thereof. Upon vote of majority of the members present, there being a quorum, the IBP Board of Governors shall order the disqualification and designate a replace of the disqualified Investigating Commissioner. The decision of the IBP Board of Governors on the disqualification shall be final.

SECTION 8. *Duties of the Investigating Commissioner.* — The Investigating Commissioner shall investigate a complaint against any member of the Integrated Bar, and thereafter submit a report embodying the recommended action to the IBP Board of Governors, within a total period not exceeding one hundred eighty (180) calendar days, from assignment by raffle.

SECTION 9. *Submissions allowed; verification.* — The only submissions allowed are the complaint, answer, and position papers, all of which shall be verified.

A Certificate of Non-Forum Shopping shall accompany the verified complaint.

An unverified complaint shall be recommended for outright dismissal. An unverified answer or position paper shall not be considered.

SECTION 10. *Prohibited submissions.* — The following submissions are prohibited:

- (a) Motion to dismiss the complaint or petition, except on the ground of lack of jurisdiction, *litis pendentia* or *res judicata*;
- (b) Motion for a bill of particulars;
- (c) Motion to reopen or for new trial;
- (d) Petition for relief from judgment;
- (e) Supplemental pleadings;

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- (f) Motion for reconsideration of a judgment on the merits, except a motion for reconsideration of an interlocutory order or resolution.

SECTION 11. *Lack of prima facie showing of liability; outright dismissal.* — Within fifteen (15) calendar days from assignment by raffle, if the Investigating Commissioner finds no *prima facie* showing of liability, the Investigating Commissioner shall recommend the outright dismissal of the complaint to the Supreme Court. The Supreme Court may adopt the recommendation and dismiss the complaint outright. Otherwise, the Supreme Court shall direct the Investigating Commissioner to conduct further proceedings.

SECTION 12. *Effect of death of lawyer on administrative disciplinary cases.* — Disciplinary proceedings may not be instituted against a lawyer who has died. If such proceedings have been instituted notwithstanding the lawyer's death, the administrative case against said lawyer shall be dismissed.

The death of the lawyer during the pendency of the case shall cause its dismissal.

SECTION 13. *Issuance of summons.* — Within fifteen (15) calendar days from assignment by raffle, the Investigating Commissioner shall issue the required summons, attaching thereto a copy of the verified complaint and supporting documents, if any. The summons shall require the respondent to file a verified answer.

SECTION 14. *Verified answer.* — The answer shall be verified and filed within thirty (30) calendar days from receipt of the summons. The verified answer shall be accompanied by judicial affidavits of the witnesses and such other documents in support thereof.

The respondent may, upon motion, for good cause, be given one extension of fifteen (15) calendar days to file the verified answer.

Two (2) copies of the verified answer shall be filed with the Investigating Commissioner, with proof of service on the complainant or the latter's counsel.

SECTION 15. *Dismissal after answer.* — If the Investigating Commissioner finds that the complaint is not meritorious based on the verified answer, the Investigating Commissioner shall recommend to the Supreme Court the dismissal of the complaint. Otherwise, the

Supreme Court shall direct the Investigating Commissioner to conduct further proceedings.

SECTION 16. *Irrelevance, of desistance, settlement, compromise, restitution, withdrawal, or failure to prosecute.* — No investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same.

SECTION 17. *Counsel de officio.* — The IBP Board of Governors shall appoint a suitable member of the Integrated Bar as counsel *de officio* to assist the complainant or the respondent during the investigation in case of need for such assistance.

SECTION 18. *Investigation.* — Upon joinder of issues or upon failure of the respondent to answer, the Investigating Commissioner shall proceed with the investigation of the case. However, if despite reasonable notice, the respondent fails to file an answer or appear, the investigation shall proceed *ex parte*. In both instances, the investigation shall proceed with dispatch.

The respondent shall be given full opportunity to defend and be heard, whether through counsel or not, and to present witnesses.

The Investigating Commissioner shall have the power to issue subpoenae and administer oaths and affirmations in relation to the conduct of the proceedings.

SECTION 19. *Indirect contempt.* — Willful failure or refusal to obey a subpoena or any other lawful order issued by the Investigating Commissioner shall be dealt with as indirect contempt of court. The Investigating Commissioner shall require the alleged contemnor to show cause within ten (10) calendar days from notice. Upon receipt of the compliance or lapse of the period to comply, the Investigating Commissioner may conduct a hearing, if necessary, in accordance with the procedure set forth under Canon VI, Section 22 for hearings before the Investigating Commissioner. Such hearing shall be terminated within fifteen (15) calendar days from commencement. Thereafter, the Investigating Commissioner shall submit a report and recommendation to the IBP Board of Governors within a period of fifteen (15) calendar days from termination of the contempt hearing.

Within thirty (30) calendar days from receipt of the Investigating Commissioner's report and recommendation on the contempt charge, the IBP Board of Governors, through a Resolution, may either adopt,

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modify or disapprove the recommendation of the Investigating Commissioner. The action of the IBP Board of Governors shall be immediately executory.

The action of the IBP Board of Governors may be appealed to the Supreme Court. The execution of the order of contempt shall not be suspended, unless a bond is filed by the person adjudged in contempt, in an amount fixed by the IBP Board of Governors, conditioned upon compliance with and performance of the final action in the contempt case, if decided against the contemnor.

SECTION 20. *Submission of preliminary conference briefs.* — Immediately upon receipt of the verified answer, the Investigating Commissioner shall send a notice to the parties and counsels to simultaneously file, within a non-extendible period of ten (10) calendar days from receipt of the notice, their respective preliminary conference briefs which shall contain the following:

- (a) Admissions;
- (b) Stipulation of facts;
- (c) Definition of issues;
- (d) Judicial affidavits and marked exhibits, accompanied by the lawyer's certification that the attached documents are the genuine or faithful reproductions of the original in his or her custody or possession;
- (e) Such other matters as may aid in the prompt disposition of the action.

SECTION 21. *Preliminary conference order; position papers.* — Within ten (10) calendar days from receipt of the preliminary conference briefs, the Investigating Commissioner shall issue a Preliminary Conference Order, on the basis of such briefs submitted by the parties and counsels, summarizing the stipulated facts, issues and marked exhibits.

The Investigating Commissioner shall further direct the parties to submit their verified position papers within a non-extendible period of ten (10) calendar days from receipt of the preliminary conference order.

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SECTION 22. *Clarificatory hearing.* — Within ten (10) calendar days from receipt of the last position paper, the Investigating Commissioner shall determine whether there is a need to conduct a hearing to clarify factual issues and confront witnesses.

If deemed necessary, the Investigating Commissioner shall set the hearing within fifteen (15) calendar days from such determination, and identify the factual issues to be made subject of the hearing.

The Investigating Commissioner may subpoena any witness to appear at the hearing to answer clarificatory questions. Thereafter, the Investigating Commissioner may allow the parties to confront the witnesses and propound their own clarificatory questions on the factual issues identified by the Investigating Commissioner.

The clarificatory hearing may be done in-person or through videoconferencing. If it is conducted in-person, the clarificatory hearing shall be done at the most convenient venue for the parties.

The clarificatory hearing shall be terminated within thirty (30) calendar days from its commencement.

SECTION 23. *Minutes of proceedings.* — The proceedings before the IBP shall be recorded.

SECTION 24. *Non-appearance of parties.* — Non-appearance at the clarificatory hearing shall be deemed a waiver of the right to participate therein.

SECTION 25. *Issuance of report and recommendation by the Investigating Commissioner.* — If there is no clarificatory hearing, the Investigating Commissioner shall render a report and recommendation and submit the same to the IBP Board of Governors within a non-extendible period of sixty (60) calendar days from receipt of the last position paper or lapse of the period given.

In case the Investigating Commissioner sets a clarificatory hearing, the report and recommendation shall be rendered and submitted to the IBP Board of Governors within a non-extendible period of thirty (30) calendar days from the termination of the hearing.

The report and recommendation shall be accompanied by the duly certified transcript of stenographic notes, or in lieu thereof, the audio recording, if any, or the Investigating Commissioner's personal

notes duly signed, which should be attached to the records, together with the evidence presented during the investigation. The submission of the report need not await the transcription of the stenographic notes, it being sufficient that the report reproduce substantially from the Investigating Commissioner's personal notes any relevant and pertinent testimonies.

If the hearing is conducted through videoconferencing, the proceedings shall be recorded by the Investigating Commissioner. It shall form part of the records of the case, appending thereto relevant electronic documents taken up or issued during the hearing.

SECTION 26. *Submission of resolution by the Board of Governors.* — The IBP Board of Governors shall have a non-extendible period of ninety (90) calendar days from receipt of the Report and Recommendation of the Investigating Commissioner, within which to submit to the Supreme Court its Resolution adopting, modifying or disapproving such Report and Recommendation.

SECTION 27. *Depositions.* — Depositions may be taken in accordance with the Rules of Civil Procedure, as amended, with leave of the Investigating Commissioner.

SECTION 28. *Filing and service.* — The filing and the service of papers or notices required by this Canon shall be made with the Commission, or upon the parties personally, by registered mail, accredited courier, electronic mail or other electronic means, or as provided for in international conventions to which the Philippines is a party.

For this purpose, the office address and the electronic mail address supplied by the lawyer to the IBP shall be the official addresses to which all notices, orders and processes shall be served.

Proof of filing and service shall be submitted in accordance with the Rules of Civil Procedure, as amended.

SECTION 29. *Substantial defects; motion to reopen.* — Any substantial defect in the complaint, notice, answer, or in the proceeding or the Investigating Commissioner's Report which may result in the miscarriage of justice may be raised as an error before the Supreme Court, unless the defect results in the deprivation of the right to due process. In case of the latter, the matter may be brought before the IBP Board of Governors by way of a motion to reopen within sixty (60) calendar days from knowledge.

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SECTION 30. *Proceedings initiated before the Supreme Court.*

– In proceedings initiated by the Supreme Court, or proceedings commenced by complaint filed with the Supreme Court, the Supreme Court may refer the case for investigation, report and recommendation to the Office of the Bar Confidant, or the IBP, or other fact-finding body that is designated or created by the Supreme Court for such purpose.

Cases referred to the Office of the Bar Confidant, or other fact-finding body, or the IBP shall proceed in the same manner provided in Sections 5 to 29 of this Canon.

In any event, the report and recommendation on the investigation shall be reviewed directly by the Supreme Court, which shall take such necessary action on the report and recommendation as may be warranted.

SECTION 31. *Preventive suspension.* — After receipt of respondent's answer or lapse of the period therefor, the Supreme Court, on its own initiative, or upon the recommendation of the IBP Board of Governors, the Office of the Bar Confidant, or the fact-finding body referred to in Section 30, may suspend a lawyer from the practice of law during the pendency of the investigation for a period not exceeding one hundred eighty (180) calendar days or until such suspension is lifted by the Supreme Court, in order to prevent interference with or obstruction of the investigation, tampering, concealment or destruction of evidence, intimidating or exerting undue influence on any witness.

SECTION 32. *Quantum and burden of proof.* — In administrative disciplinary cases, the complainant has the burden of proof to establish with substantial evidence the allegations against the respondent. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

SECTION 33. *Serious offenses.* — **Serious offenses include:**


- (a) Gross misconduct, or any inexcusable, shameful or flagrant unlawful conduct;
- (b) Serious dishonesty, fraud, or deceit, including falsification of documents and making untruthful statements;
- (c) Bribery or corruption;

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- (d) Gross negligence in the performance of duty, or conduct that is reckless and inexcusable, which results in the client being deprived of his or her day in court;
- (e) Conviction of a crime involving moral turpitude;
- (f) Grossly immoral conduct, or an act that is so corrupt or false as to constitute a criminal act, or so immoral as to be reprehensible to a high degree;
- (g) Misappropriating a client's funds or properties;
- (h) Gross ignorance of the law or procedure, or the disregard of basic rules and settled jurisprudence, when either is attended by bad faith, malice, or corrupt motive;
- (i) Grossly undignified conduct prejudicial to the administration of justice;
- (j) Sexual abuse;
- (k) Gender-based sexual harassment or discrimination;
- (l) Open defiance to any order of the court, tribunal, or other government agency;
- (m) Threat of physical or economic harm, amounting to a crime, directed at a fellow lawyer, the latter's client or principal, a witness, or any official or employee of a court, tribunal, or other government agency;
- (n) Willful and deliberate forum shopping, and forum shopping through gross negligence;
- (o) Intentional violation of the rule on privileged communication;
- (p) Violation of the notarial rules, except reportorial requirements, when attended by bad faith;
- (q) Intentional violation of the conflict of interest rules;

- (r) Influence-peddling or using one's relationships to obtain a favorable action on, or outcome in, any pending matter or proceeding, directly or indirectly, with or without monetary consideration, from any officer of a court, tribunal or other government agency;
- (s) Unlawful discrimination under Canon V; and
- (t) Sale, distribution, possession and/or use of illegal drugs or substances.

SECTION 34. *Less serious offenses.* — Less serious offenses include:

- (a) Simple misconduct, or such misconduct without the manifest elements of corruption, clear intent to violate the law or flagrant disregard of established rules;
 - (b) Simple negligence in the performance of duty, or such negligence which does not result in depriving the client of his or her day in court;
 - (c) Violation of Supreme Court rules and issuances in relation to Bar Matters and administrative disciplinary proceedings, including willful and deliberate disobedience of the orders of the Supreme Court and the IBP;
 - (d) Simple dishonesty;
 - (e) Other violations of the conflict of interest rules;
 - (f) Prohibited borrowing of money from a client;
 - (g) Prohibited lending of money;
 - (h) Other unlawful threats;
 - (i) Instituting frivolous or baseless actions, on the basis of a final decision or order dismissing such action for being frivolous or baseless;
 - (j) Violation of the *sub judice* rule;
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- (k) Deliberate failure or refusal to pay just debts;
- (l) Termination of legal services absent good cause and written notice;
- (m) Use of intemperate or offensive language before any court, tribunal, or other government agency;
- (n) Unjustifiable failure or refusal to render an accounting of the funds or properties of a client;
- (o) Unauthorized division of fees with a non-lawyer; and
- (p) Other violations of reportorial requirements.

SECTION 35. *Light offenses.* — Light offenses include:

- (a) Violation of IBP rules and issuances governing membership in the IBP;
- (b) Use of vulgar or offensive language in personal dealings;
- (c) Fraternalizing with the officials or employees of a court, tribunal, or other government agency where the respondent has a pending case or cases, to such a degree and frequency as would give the appearance of power or influence over them, or which tends to create an impression of impropriety;
- (d) Filing of frivolous motions for inhibition;
- (e) Failure to promptly call upon client to rectify a fraudulent act; or
- (f) Other similar or analogous infractions of the CPRA.

SECTION 36. *Assisting in the commission of an offense.* — Any lawyer who shall knowingly assist another lawyer in the commission of any serious, less serious, or light offense punished by the CPRA may also be held liable.

SECTION 37. *Sanctions.* —



(a) If the respondent is found guilty of a serious offense, any of the following sanctions, or a combination thereof, shall be imposed:

- (1) Disbarment;
- (2) Suspension from the practice of law for a period exceeding six (6) months;
- (3) Revocation of notarial commission and disqualification as notary public for not less than two (2) years; or
- (4) A fine exceeding P100,000.00.

(b) If the respondent is found guilty of a less serious offense, any of the following sanctions, or a combination thereof, shall be imposed:

- (1) Suspension from the practice of law for a period within the range of one (1) month to six (6) months, or revocation of notarial commission and disqualification as notary public for less than two (2) years;
- (2) A fine within the range of P35,000.00 to P100,000.00.

(c) If the respondent is found guilty of a light offense, any of the following sanctions shall be imposed:

- (1) A fine within the range of P1,000.00 to P35,000.00;
- (2) Censure; or
- (3) Reprimand.

In addition to the above sanctions in paragraph (c), the respondent may also be required to do community service or service in the IBP legal aid program.

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In all instances, when the offense involves money or property owed, which is intrinsically linked to the lawyer-client relationship, the respondent shall be ordered to return the same.

SECTION 38. *Modifying circumstances.* — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(a) Mitigating circumstances:

- (1) First offense, except in charges of gross misconduct, bribery or corruption, grossly immoral conduct, misappropriating a client's funds or properties, sexual abuse, and sale, distribution, possession and/or use of illegal drugs or substances;
- (2) Absence of bad faith or malice;
- (3) Return of the amounts owed;
- (4) Expression of remorse;
- (5) Reconciliation with the complainant;
- (6) Rectification of wrongdoing;
- (7) Act or omission did not prejudice the client;
- (8) Age;
- (9) Number of years in the practice of law;
- (10) Humanitarian considerations; and
- (11) Other analogous circumstances.

(b) Aggravating Circumstances:

- (1) Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity;

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- (2) Age;
- (3) Number of years in the practice of law;
- (4) Employment of fraudulent means to conceal the offense;
- (5) Respondent's act or omission was tainted with bad faith or malice, except when it is an element of the offense;
- (6) Lack of remorse;
- (7) Failure to comply with the orders of the Court and the IBP in relation to an administrative case; and
- (8) Other analogous circumstances.

SECTION 39. *Manner of imposition.* — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. The Supreme Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under the CPRA.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

SECTION 40. *Penalty for multiple offenses.* — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension from the practice of law or P1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of disbarment.

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If a single act or omission gives rise to more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense.

SECTION 41. *Payment of fines and return of client's money and property.* — When the penalty imposed is a fine or the respondent is ordered to return the client's money or property, the respondent shall pay or return it within a period not exceeding three (3) months from receipt of the decision or resolution. If unpaid or unreturned, the Court may cite the respondent in indirect contempt.

SECTION 42. *Penalty when the respondent has been previously disbarred.* — When the respondent has been previously disbarred and is subsequently found guilty of a new charge, the Court may impose a fine or order the disbarred lawyer to return the money or property to the client, when proper. If the new charge deserves the penalty of a disbarment or suspension from the practice of law, it shall not be imposed but the penalty shall be recorded in the personal file of the disbarred lawyer in the Office of the Bar Confidant or other office designated for the purpose. In the event that the disbarred lawyer applies for judicial clemency, the penalty so recorded shall be considered in the resolution of the same.

SECTION 43. *Immediately executory; furnished copies.* — The decision or resolution pronouncing the respondent's administrative liability is immediately executory. The copies of the decision or resolution shall be furnished to the Office of the Bar Confidant, the IBP National Office and local chapter to which the respondent belongs, and the Office of the Court Administrator for circulation to all the courts.

SECTION 44. *Confidentiality.* — Proceedings against lawyers shall be confidential. However, the final order of the Supreme Court shall be published like its decisions in other cases.

SECTION 45. *Sworn statement after service of suspension.* — Upon the expiration of the period of suspension from the practice of law, the lawyer shall file a Sworn Statement with the Supreme Court, through the Office of the Bar Confidant, to show that the petitioner, during the period of suspension:

- (a) has not appeared before any court, tribunal or other government agency, whether in respect of current, former or prospective clients;

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- (b) has not signed or filed any pleading or other court submission;
- (c) has duly informed his or her clients, law firm, law school where the lawyer is teaching, legal clinic, or other legal service organization of which he or she is a member, regarding the suspension; and
- (d) has not otherwise performed any act, directly or indirectly, that amounts to the practice of law.

The Sworn Statement shall state the date of the lawyer's receipt of the order, decision or resolution imposing the penalty of suspension, as well as a list of the lawyer's engagements affected by the suspension, indicating the relevant court, tribunal or other government agency, if any.

Copies of the Sworn Statement shall be furnished to the Local Chapter of the IBP, to the Executive Judge of the courts where the suspended lawyer has pending cases handled by him or her, and/or where he or she has appeared as counsel.

SECTION 46. *Resumption of practice of law.* – The Sworn Statement shall be considered as proof of the suspended lawyer's compliance with the order of suspension. Such lawyer shall be allowed to resume the practice of law upon the filing of the Sworn Statement before the Supreme Court.

However, any false statement in the Sworn Statement shall be a ground for a complaint for disbarment.

Within five (5) days from the filing of the Sworn Statement and the Office of the Bar Confidant determines that there is a false statement stated therein, it shall refer the same to the Court for its immediate action.

SECTION 47. *Reinstatement in the Roll of Attorneys.* — A lawyer who has been disbarred may file a verified petition for judicial clemency after five (5) years from the receipt of the order, decision, or resolution of disbarment.

SECTION 48. *Petition for judicial clemency.* — The verified petition for judicial clemency shall allege the following:

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- (a) that the verified petition was filed after five (5) years from the receipt of the order, decision, or resolution of disbarment;
- (b) that the disbarred lawyer has fully complied with the terms and conditions of all prior disciplinary orders, including orders for restitution;
- (c) that he or she recognizes the wrongfulness and seriousness of the misconduct for which he or she was disbarred by showing positive acts evidencing reformation;
- (d) that he or she has reconciled, or attempted in good faith to reconcile, with the wronged private offended party in the disbarment case, or if the same is not possible, an explanation as to why such attempt at reconciliation could not be made.

Where there is no private offended party, the plea for clemency must contain a public apology; and

- (e) notwithstanding the conduct for which the disbarred lawyer was disciplined, he or she has the requisite good moral character and competence.

Any of the following allegations may also be made in support of the petition:

- (a) that he or she still has productive years that can be put to good use if given a chance; or
- (b) there is a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.

SECTION 49. *Action on the petition for judicial clemency; prima facie merit.* — Upon receipt of the petition, the Supreme Court shall conduct a preliminary evaluation and determine if the same has *prima facie* merit based on the criteria.

If the petition has *prima facie* merit, the Supreme Court shall refer the petition to the Office of the Bar Confidant or any fact-finding

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body the Court so designates for investigation, report and recommendation.

If the petition fails to show any *prima facie* merit, it shall be denied outright.

SECTION 50. *Investigation by the Office of the Bar Confidant or other fact-finding body.* — The Office of the Bar Confidant or any other fact-finding body designated shall conduct and terminate the investigation and submit to the Supreme Court its report and recommendation within ninety (90) calendar days from receipt of the referral.

SECTION 51. *Decision on the petition for judicial clemency; quantum of evidence.* — The Supreme Court shall decide the petition on the basis of clear and convincing evidence.

SECTION 52. *Prohibition against employment of disbarred or suspended lawyer.* — A lawyer who has been disbarred or suspended shall not be employed or engaged in the practice of law, including the performance of the following acts:

- (a) Providing legal consultation or advice;
- (b) Appearing on behalf of a client in any hearing or proceeding before any court, tribunal, or other government agency or office;
- (c) Appearing as a representative of a client at a deposition or other discovery matter;
- (d) Negotiating or transacting any legal matter for or on behalf of a client with third parties;
- (e) Receiving, disbursing, or otherwise handling a client's funds;
- (f) Teaching law subjects in any educational institution; or
- (g) Acting and being commissioned as a Notary Public.

A suspended lawyer shall immediately cease and desist from the practice of law until the suspension is lifted by the Supreme Court.

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Any client previously represented by a suspended lawyer may engage the services of a new lawyer.

The disbarment or suspension of a handling lawyer shall not terminate the lawyer-client engagement between the client and the law firm, unless the client chooses otherwise.

SECTION 53. *Costs.* — All reasonable and necessary expenses incurred in relation to disciplinary and disbarment proceedings are lawful charges for which the parties may be taxed as costs, subject to proof.

REVISED LAWYER'S OATH

I, (name), do solemnly swear (affirm) that I accept the honor, privilege, duty, and responsibility of practicing law in the Philippines as an Officer of the Court in the interest of our people.

I declare fealty to the Constitution of the Republic of Philippines.

In doing so, I shall work towards promoting the rule of law and a regime of truth, justice, freedom, love, equality, and peace.

I shall conscientiously and courageously work for justice, as well as safeguard the rights and meaningful freedoms of all persons, identities and communities. I shall ensure greater and equitable access to justice. I shall do no falsehood nor shall I pervert the law to unjustly favor nor prejudice anyone. I shall faithfully discharge these duties and responsibilities to the best of my ability, with integrity, and utmost civility. I impose all these upon myself without mental reservation nor purpose of evasion.

[For oaths] So help me, God. (Omit for affirmations)

GENERAL PROVISIONS

SECTION 1. *Transitory provision.* — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be

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feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

SECTION 2. *Repealing clause.* — The Code of Professional Responsibility of 1988, Sections 20 to 37 of Rule 138, and Rule 139-B of the Rules of Court are repealed.

The Lawyer's Oath, as found in Rule 138 of the Rules of Court, is amended and superseded.

Any resolution, circular, bar matter, or administrative order issued by or principles established in the decisions of the Supreme Court inconsistent with the CPRA are deemed modified or repealed.

SECTION 3. *Effectivity clause.* — The CPRA shall take effect fifteen (15) calendar days after its publication in the Official Gazette or any newspaper of general circulation.

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