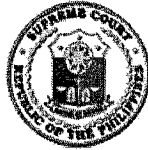


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Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

EXECUTIVE JUDGE ELOIDA R.  
DE LEON-DIAZ, REGIONAL  
TRIAL COURT, BRANCH 58,  
LUCENA CITY,

A.C. No. 9252

Complainant,

Present:

PERALTA, C.J., Chairperson,  
REYES, J., JR.;  
CARANDANG,\*  
LAZARO-JAVIER, and  
INTING,\*\* JJ.

- versus -

ATTY. RONALDO ANTONIO V.  
CALAYAN,

Promulgated:

Respondent.

NOV 28 2019

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DECISION

PERALTA, C.J.:

Before the Court is a Letter<sup>1</sup> dated October 19, 2009 sent by complainant Executive Judge Eloida R. De Leon-Diaz, Regional Trial Court (RTC), Branch 58, Lucena City, to the Court Administrator which the Court, in its Resolution<sup>2</sup> dated November 21, 2011, considered as a Formal Complaint against respondent Atty. Ronaldo Antonio V. Calayan relative to his alleged misconduct in the handling of his cases before the different branches of the Lucena City trial courts.

\* Designated as additional member, in lieu of Associate Justice Alfredo Benjamin S. Caguioa, per Special Order No. 2734 dated November 8, 2019.

\*\* Designated as additional member per Special Order No. 2726 dated October 25, 2019.

<sup>1</sup> Rollo, pp. 5-6.

<sup>2</sup> Id. at 4.

The antecedent facts are as follows:

In her letter, Judge Diaz informed the Court of the agreement arrived at by all incumbent judges at the raffle of cases held on September 14, 2009, requesting that all cases involving respondent Atty. Calayan and his family, whether newly-filed or not, and which at that time already totaled fifteen (15), be transferred to another venue to maintain the dignity and respectability of the court. According to her, the cases involving the Calayan family have been likened to the "Sword of Damocles" over the heads of the judges and some lawyers involved due to Atty. Calayan's persistent demands for them to inhibit either by motion or by filing administrative cases against them. What was constant, moreover, was that the judges have been harassed by Atty. Calayan one way or another through the relentless filing of unnecessary pleadings "almost every day." For this reason, no judge from the jurisdiction would want to sit in any of the cases which have already undergone numerous re-raffles and unsuccessful mediation efforts.<sup>3</sup>

At the heart of this controversy is an intra-corporate dispute docketed as Civil Case No. 2007-10 filed by Atty. Calayan's siblings and mother against him, his wife, and daughter that sought to revert into a stock corporation, as well as to place the family business, Calayan Educational Foundation, Inc. (*CEFI*), of which Atty. Calayan was the President and Chairman of the Board of Trustees, under a receivership. The case was originally presided by Judge Adolfo Encomienda who appointed a receiver to take over the corporation but who voluntarily inhibited himself after Atty. Calayan filed a Motion to Recuse against him. The case was eventually raffled to Judge Virgilio Alpajora who ordered the creation of a management committee, but who also voluntarily inhibited himself on account of Atty. Calayan's filing of an administrative case against him. Said administrative case was dismissed but Judge Alpajora's counter-complaint was converted into an administrative case against Atty. Calayan.<sup>4</sup>

Meanwhile, in a Resolution<sup>5</sup> dated November 21, 2011, the Court resolved that the letter of Judge Diaz be considered as another formal complaint against Atty. Calayan with respect to his alleged misconduct arising from the intra-corporate controversy. In her Position Paper<sup>6</sup> dated September 7, 2012, Judge Diaz emphasized Atty. Calayan's indiscretions and disrespect towards the court. As of the date of said Position Paper, Judge Diaz pointed out that Atty. Calayan had already filed the following: (1) two (2) petitions before the Court of Appeals (*CA*) challenging her letter; (2) an administrative complaint against her; (3) an administrative complaint against Judge Alpajora;

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<sup>3</sup> *Id.* at 5-6.

<sup>4</sup> *Alpajora v. Calayan*, A.C. No. 8208, January 10, 2018, 850 SCRA 99.

<sup>5</sup> *Supra* note 2.

<sup>6</sup> *Rollo*, pp. 137-149.

(4) an administrative complaint against Judge Rafael R. Lagos; (5) an administrative complaint against Judge Guillermo Andaya; and (6) an administrative complaint against Atty. Vincent Robles. She further drew attention to the fact that during the pendency of the action on her letter, Atty. Calayan sent her an advanced copy of the administrative complaint he filed against her. To her, this may be likened to a threat to the court and her person. In the end, she maintained that it was quite strange for a lawyer to file endless complaints against the judges handling his case and, at the same time, claim that he is seeking a speedy disposition of the same.

For his part, Atty. Calayan explained that the underlying factor that spurred his alleged relentless filing of purported unnecessary pleadings was the placing of CEFI, of which he was the President and Chairman, under an onerous receivership in 2007 as initiated by his mother and siblings. According to him, the negative impression created by the presence of a receiver resulted in the suffering by CEFI of a substantial decrease in enrollment, and demoralization of its faculty and employees. Moreover, the order requiring CEFI to pay the receiver ₱50,000.00 per month only imposed an unnecessary burden considering that the company still had loans to pay. It was in his consequent desire to save CEFI from further damage that Atty. Calayan implored the aid of the courts through the filing of motions and pleadings. But he asserts that these pleadings were far from being violative of any rule nor were they prohibited. As such, Atty. Calayan sought the indulgence of the Court, claiming that he never intended on harassing any judge or party-litigant with his actions. In support of his stance, he cited the doctrine enunciated in *In the Matter of the Proceedings for Disciplinary Action Against Atty. Almacen, et al. v. Yaptinchay (Almacen)*<sup>7</sup> that encourages a lawyer's criticism of erring magistrates. At any rate, Atty. Calayan asserts the mootness of the instant complaint against him in view of the fact that the cases had already been transferred to the courts of Makati City and that his motion for reconsideration had already been denied. In the end, he genuinely apologized for his overzealousness, explaining that his was an extraordinary predicament for CEFI was the only legacy left of his family. He hopes that the Court understands why he could not help but lose objectivity and become emotional in pursuing the present cases which involve not just strangers, but members of his family.<sup>8</sup>

In a Report and Recommendation<sup>9</sup> dated September 28, 2012, the Investigating Commissioner of the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) recommended that Atty. Calayan be meted with a penalty of Censure with a warning that a similar infraction will merit a stiffer penalty.

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<sup>7</sup> 142 Phil. 353 (1970).

<sup>8</sup> *Rollo*, pp. 15-22.

<sup>9</sup> *Id.* at 27-31.



In a Resolution<sup>10</sup> dated March 21, 2013, the Board of Governors (*BOG*) of the IBP approved, with modification, the Report and Recommendation of the Investigating Commissioner suspending Atty. Calayan from the practice of law for a period of three (3) months. Subsequently, in another Resolution<sup>11</sup> dated March 22, 2014, the *BOG* denied Atty. Calayan's Motion for Reconsideration there being no cogent reason to reverse the previous findings.

### *The Court's Ruling*

After a judicious review of the instant case, we adopt the findings of the Investigating Commissioner, affirmed by the *BOG*, that Atty. Calayan must be held administratively liable for his infractions, in violation of the Code of Professional Responsibility (*CPR*) and the Lawyer's Oath, specifically, Canon 8; Rule 10.03, Canon 10; and Rule 12.04, Canon 12 of the *CPR* which provide as follows:

CANON 8 - A lawyer shall conduct himself with courtesy, fairness and candor towards his professional colleagues, and shall avoid harassing tactics against opposing counsel.

X X X X

CANON 10 - A lawyer owes candor, fairness and good faith to the Court.

X X X X

Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

X X X X

CANON 12 — A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

X X X X

Rule 12.04 — A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

Here, Atty. Calayan never denied the fact that he engaged in an indiscriminate filing of pleadings, motions, and civil, criminal and even administrative cases against several trial court judges, lawyers, and members of his family. He did not deny initiating complaint after complaint not only against the adverse parties to the controversy, but even their respective counsels who were merely doing their duty to represent their clients. Neither did he deny instituting administrative complaints against all those judges who

<sup>10</sup> *Id.* at 277-278.

<sup>11</sup> *Id.* at 276-276A.

handled his cases, as well as countless manifestations and motions before them. As Judge Diaz put it, he relentlessly filed cases against her and her fellow judges and unnecessary pleadings “almost every day,” to the point that no judge from the Lucena City trial court wanted to have anything to do with a case involving Atty. Calayan. Against Judge Diaz alone, Atty. Calayan filed two (2) petitions before the CA, challenging her letter, as well as an administrative complaint, sending her an advanced copy thereof. It seemed as though he spared no judge from his complaints and, in the case of Judge Alpajora, the Investigating Commissioner observed that Atty. Calayan made sure that the same would turn out agonizing for him by filing the case just a few months before his retirement in January 2009. As expected, the case had delayed the approval of Judge Alpajora’s retirement benefits.<sup>12</sup>

As earlier alluded to, the administrative case against Judge Alpajora was dismissed, but his counter-complaint was converted into an administrative case against Atty. Calayan, in *Alpajora v. Calayan*.<sup>13</sup> There, Atty. Calayan’s propensity in filing cases was likewise revealed in that before the case was transferred to Judge Alpajora’s *sala*, Atty. Calayan had already filed thirteen (13) civil and special actions before the RTC of Lucena City, while eighteen (18) repetitious pleadings were subsequently filed before his *sala*. But Atty. Calayan did not stop there. Against his opposing counsels and their respective clients, he filed nine (9) criminal charges and four (4) administrative cases. As the Court observed in *Alpajora*, these acts manifested Atty. Calayan’s malice in effectively paralyzing not only the magistrates from their administration of justice, but even these lawyers from exerting their utmost effort in protecting their clients’ interest.

In his defense, Atty. Calayan argued that he was not violating any rule in filing his complaints and that he was, in fact, even encouraged by the Court in *Almacen* to raise any criticism against erring magistrates. But the contention hardly absolves Atty. Calayan of his indiscretions. It may be true that based on *Almacen*, the decisions of courts and judges are always subject to scrutiny and the right of lawyers to expose the formers’ errors and inconsistencies. But it was never the intention of *Almacen* to grant these lawyers, such as Atty. Calayan, an unbridled right to disregard all respect towards the magistrates and to file any and all kinds of pleadings, motions, and complaints as they please. Accordingly, *Almacen* cautioned all members of the Bar:

But it is the cardinal condition of all such criticism that it shall be bona fide, and shall not spill over the walls of decency and propriety. A wide chasm exists between fair criticism, on the one hand, and abuse and slander of courts and the judges thereof, on the other. Intemperate and unfair

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<sup>12</sup> *Id.* at 30.

<sup>13</sup> *Supra* note 4.

criticism is a gross violation of the duty of respect to courts. It is such a misconduct that subjects a lawyer to disciplinary action.

For, membership in the Bar imposes upon a person obligations and duties which are not mere flux and ferment. His investiture into the legal profession places upon his shoulders no burden more basic, more exacting and more imperative than that of respectful behavior toward the courts. He vows solemnly to conduct himself "with all good fidelity . . . to the courts"; and the Rules of Court constantly remind him "to observe and maintain the respect due to courts of justice and judicial officers." The first canon of legal ethics enjoins him "to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance."<sup>14</sup> (Citations omitted)

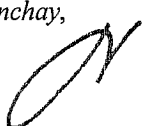
On the basis of the foregoing, we agree with the Investigating Commissioner in finding that there was indeed a demonstration of a rebellious, disruptive, and boisterous attitude from Atty. Calayan. Contrary to his claims, his rampant filing of pleading after pleading, most of which were eventually dismissed or rejected for being unsubstantiated by any convincing proof, can hardly support his claims of good faith. It is well to remember that justice is what the facts and the law dictate, and not that which a lawyer wants it to be. As such, he does not possess the right to attack the judgment of a court merely for being adverse to his position.<sup>15</sup> To the Court, Atty. Calayan grossly abused his right to recourse to the courts when he filed series of actions essentially involving the same subject matter or substantially an identical relief. As duly observed by Judge Diaz, it is rather inconsistent for a lawyer to file endless complaints against the judges handling his case and, at the same time, claim that he is seeking a speedy disposition thereof.

Time and again, the Court has repeatedly emphasized that the practice of law is imbued with public interest and that a lawyer owes substantial duties not only to his client, but also to his brethren in the profession, to the courts, and to the public, and takes part in the administration of justice, one of the most important functions of the State, as an officer of the court. Accordingly, lawyers are bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity, and fair dealing. Settled is the principle that the practice of law is not a right, but a privilege bestowed by the State on those who show that they possess, and continue to possess, the qualifications required by law for the conferment of such privilege. Membership in the bar is a privilege burdened with conditions. A high sense of morality, honesty, and fair dealing is expected and required of a member of the bar. The nature of the office of a lawyer requires that he shall be of good moral character. This qualification is not only a condition precedent to the admission to the legal

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<sup>14</sup> *In the Matter of the Proceedings for Disciplinary Action Against Atty. Almacen, et al. v. Yaptinchay*, *supra* note 7, at 371.

<sup>15</sup> *Rollo*, pp. 30-31.



profession, but its continued possession is essential to maintain one's good standing in the profession.<sup>16</sup>

Notwithstanding the discussion above, however, the Court refrains from imposing another penalty on Atty. Calayan in light of our recent ruling involving essentially the same parties in *Alpajora v. Calayan*.<sup>17</sup> In said case, the Court had already suspended Atty. Calayan from the practice of law for two (2) years, with a stern warning that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty. This penalty was for the same conduct he exhibited towards his opposing counsels and judges handling the same intra-corporate dispute involving him and his family.

In *Leyrit, et al. v. Solas*,<sup>18</sup> the Court similarly abstained from imposing a separate penalty on respondent therein, Nicolasito Solas, the Clerk of Court of the Municipal Trial Court in Cities (MTCC) of Iloilo City, for his same act of notarizing sworn applications for Mayor's and business permits, affidavits, and other private or commercial documents, which had no relation to his office as MTCC Clerk of Court. We elucidated:

It must be noted that then MTCC Executive Judge Jose R. Astorga had also filed on 5 July 1996 an administrative complaint against respondent for various irregularities in the latter's performance of his duties as Clerk of Court of the MTCC, Iloilo City, including notarizing private documents not related to his official functions. Executive Judge Astorga's administrative complaint was docketed as A.M. No. P-01-1484. On 17 July 2001, the Court rendered its Decision in A.M. No. P-01-1484 finding respondent guilty of abuse of authority and imposing upon him a fine of Five Thousand Pesos (P5,000.00) with a warning that a repetition of the same or a similar act in the future will be dealt with more severely.

Since the documents that respondent notarized in abuse of his authority as a notary public ex officio in A.M. No. P-01-1484 and the present administrative complaints appear to be the same, and respondent has already been penalized for such notarial services rendered in excess of his authority, the imposition of another penalty upon him for exactly the same charge is inappropriate, as it will constitute double penalty.<sup>19</sup>

Applying the aforequoted pronouncement to the case before us, we accordingly rule that while we agree with the findings of the Investigating Commissioner and the BOG that Atty. Calayan is guilty of violating the CPR and the Lawyer's Oath, he cannot be made to suffer a penalty separate and

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<sup>16</sup> *Michelle Yap v. Atty. Grace C. Buri*, A.C. No. 11156, March 19, 2018.

<sup>17</sup> *Supra* note 4.

<sup>18</sup> 619 Phil. 668 (2009).

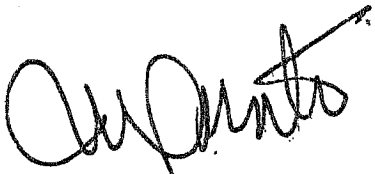
<sup>19</sup> *Id.* at 681-682.

distinct from that imposed in *Alpajora v. Calayan*<sup>20</sup> for the same will effectively constitute double penalty.

**WHEREFORE**, the Court **ADOPTS** and **APPROVES**, with **MODIFICATION**, the Resolutions of the Board of Governors of the Integrated Bar of the Philippines dated March 21, 2013 and March 22, 2014. Thus, Atty. Ronaldo Antonio V. Calayan is hereby **STERNLY WARNED** that a similar misconduct in the future shall be dealt with more severely.

Let a copy of this Decision be furnished the Office of the Bar Confidant and the Integrated Bar of the Philippines for their information and guidance. The Court Administrator is directed to circulate this Decision to all courts in the country.

**SO ORDERED.**

  
**DIOSDADO M. PERALTA**  
Chief Justice

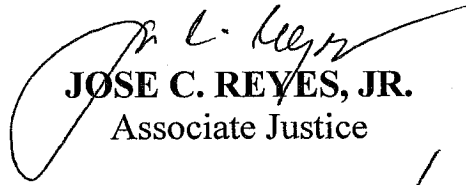
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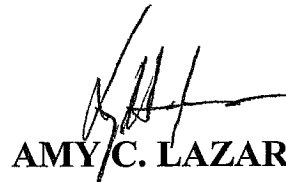
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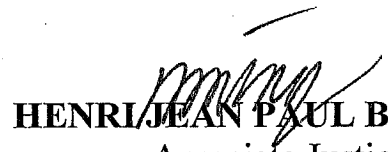


**WE CONCUR:**

  
**JOSE C. REYES, JR.**  
Associate Justice

  
~~**ROSMARIE D. CARANDANG**~~  
Associate Justice

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice