



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

**EDGARDO C. MAGNAYE and
THE HOMEOWNERS OF THE
NEW MAHOGANY VILLAGE,**
Complainants,

A.C. No. 10110

Present:

CAGUIOA, *J.*, Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, *JJ.*

- versus -

ATTY. MARY ANN C. LEGARTO,
Respondent.

Promulgated:

June 3, 2024

Mic+DC Ball

DECISION

DIMAAMPAO, J.:

This Complaint¹ and Supplement (To The Complaint dated 08 October 2013)² seek the imposition of administrative sanctions against Atty. Mary Ann C. Legarto (Atty. Legarto) for the purported irregularities attending the orders she issued as the Arbiter of the Housing and Land Use Regulatory Board³ (HLURB) in HLURB Case No. RIV-050213-0633, which allegedly likewise constituted serious or grave misconduct in her capacity as a member of the Bar.⁴

This administrative proceeding has its provenance in a complaint⁵ filed before the HLURB, Southern Tagalog Region. The complaint was filed by Edgardo C. Magnaye (Magnaye) against Noel K. Paronda (Paronda), who was then the President of New Mahogany Village Homeowners Association, Inc. (NEMVIHAI). Magnaye averred that Paronda violated: (1) several provisions

¹ *Rollo*, pp. 1–86.

² *Id.* at 88–103.

³ Now Human Settlements Adjudication Commission.

⁴ *Rollo*, pp. 10, 95–96.

⁵ *Id.* at 16–20.

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of the NEMVIHAI By-Laws; (2) the requirements under the implementing rules and regulations of Republic Act No. 9904;⁶ (3) the rights of several residents and NEMVIHAI members, including Magnaye, when they were declared delinquent without due process; and (4) Presidential Decree No. 1216⁷ when Paronda built a permanent structure on an open lot specified as a road lot.⁸ This was later docketed as HLURB Case No. RIV-050213-0633.

Paronda declaimed all the imputations against him and asserted that it was Magnaye and his group who were guilty of behavior detrimental to the association as they incited several members to renounce and fight against the NEMVIHAI Board.⁹ Paronda applied for a cease and desist order against Magnaye's group from further committing acts in contravention to Republic Act No. 9904, given that they created a new association, collected dues, and took over the security management of the gate to the village.¹⁰

Atty. Legarto then set a hearing on September 20, 2013 for Paronda's application for the cease and desist order.¹¹

Thereafter, Magnaye filed an answer¹² to Paronda's pleading, rejecting his contentions therein and insisting that there was absolutely no proof that a cease and desist order was warranted.¹³ On the same day, Atty. Legarto issued a Notice of Conference¹⁴ set on October 9, 2013.

In the Order¹⁵ dated October 7, 2013, Atty. Legarto issued the cease and desist order and directed the parties to preserve the *status quo* of the association and to halt all hostilities.¹⁶ She found the open renunciation of Magnaye's group of the duly elected Board, and their subsequent acts, to be inimical to the interests of the association as it divided the general membership, inflamed disorder, and confused the public—the very evils sought to be prevented by the issuance of a cease and desist order.¹⁷

The issuance of this Order led to the filing of the instant Complaint. Magnaye asseverated that the Order was issued irregularly for the following reasons: (1) there was a complete absence of proof to support Paronda's

⁶ Republic Act No. 9904 (2009), Magna Carta for Homeowners and Homeowners' Associations.

⁷ Presidential Decree No. 1216 (1977), Defining "Open Space" in Residential Subdivisions and Amending Section 31 of Presidential Decree No. 957 Requiring Subdivision Owners to Provide Roads, Alleys, Sidewalks and Reserve Open Space for Parks or Recreational Use.

⁸ *Rollo*, pp. 16–17.

⁹ *Id.* at 67–68, Answer with Application for Cease and Desist Order/Temporary Restraining Order.

¹⁰ *Id.* at 68–69.

¹¹ *Id.* at 65, Notice of Hearing dated September 16, 2013.

¹² *Id.* at 73–85, Answer (To Respondent's Answer with Application for Cease and Desist Order/Temporary Restraining Order).

¹³ *Id.* at 74, 83.

¹⁴ *Id.* at 86. Dated September 30, 2013.

¹⁵ *Id.* at 13–15.

¹⁶ *Id.* at 14–15.

¹⁷ *Id.* at 13–14.

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application;¹⁸ and (2) the Order was issued without deferring to the conclusion of the hearing scheduled by Atty. Legarto on October 9, 2013 and without considering the Answer filed by Magnaye on September 30, 2013.¹⁹ Magnaye argued that the irregularities committed by Atty. Legarto as Arbiter also constituted irregularities as a lawyer and member of the Bar.²⁰

During the pendency of this case, Paronda filed before the HLURB a motion to declare Magnaye and his group in contempt for violating the cease and desist order.²¹ In the Order²² dated December 16, 2013, Atty. Legarto granted the motion whereby Magnaye and his group were held in contempt.

Looking askance at this Order, Magnaye lodged the present Supplement, asserting that the issuance of the subsequent Order constituted serious or grave misconduct on the part of Atty. Legarto.²³ Magnaye emphasized that his group was declared in contempt notwithstanding the fact that Atty. Legarto did not even set a hearing for the motion.²⁴ Moreover, the Order detailed specific acts purportedly committed by his group when Paronda's motion contained a mere sweeping allegation that they openly defied the cease and desist order.²⁵ Furthermore, the Order indicated that it was based on the proof presented by Paronda even though no evidence was attached to the motion and no hearing was ever conducted.²⁶

Ensuingly, the Court directed Atty. Legarto to file her comment on both the Complaint and the Supplement.²⁷ Having failed to do so after the lapse of the period provided, Atty. Legarto was deemed to have waived her right to file the same, and the case was referred to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.²⁸

Proceedings before the IBP then ensued. In the course thereof, Atty. Legarto failed to submit her mandatory conference brief and to attend the mandatory conference itself.²⁹ She likewise failed to file her position paper.³⁰

The Report and Recommendation of the IBP

In her Report and Recommendation,³¹ Investigating Commissioner Carmelita R. Eleazar (Commissioner Eleazar) recommended the dismissal of

¹⁸ *Id.* at 3.

¹⁹ *Id.* at 9--10.

²⁰ *Id.* at 10.

²¹ *Id.* at 99--100.

²² *Id.* at 101--102.

²³ *Id.* at 95--96.

²⁴ *Id.* at 94.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 87, Notice of Resolution dated January 29, 2014; 105, Notice of Resolution dated July 7, 2014.

²⁸ *Id.* at 107, Notice of Resolution dated July 1, 2015.

²⁹ *Id.* at 149, IBP Order dated November 25, 2015.

³⁰ *Id.* at 325, IBP Report and Recommendation dated June 28, 2016.

³¹ *Id.* at 325--327. Dated June 28, 2016.

the Complaint and the Supplement for lack of merit. She noted that Atty. Legarto's Orders enjoyed the presumption of regularity and that her determination of the propriety of both the cease and desist order and the contempt order should be accorded respect.³² Commissioner Eleazar added that filing of the Complaint was aimed at pressuring Atty. Legarto to rule in favor of Magnaye's group and that they had other remedies available to overturn the issuances.³³

In due course, the IBP Board of Governors issued a Resolution,³⁴ adopting the Report and Recommendation of Commissioner Eleazar, with modification in that Atty. Legarto was fined PHP 15,000.00 for her failure to file her answer and her position paper as well as her failure to attend the mandatory conference.³⁵

Issue

At its core, the Court must determine whether Atty. Legarto should be held administratively liable for the acts complained of.

The Court's Ruling

The Court resolves to partially adopt the findings and recommendation of the IBP.

At the outset, the Court resolves a matter of jurisdiction. It is evident that the acts complained of relate to Atty. Legarto's exercise of her official function as an Arbiter of the HLURB, i.e., a government lawyer.

However, in the landmark case of *Guevarra-Castil v. Atty. Trinidad*,³⁶ the Court clarified that the Court may still exercise jurisdiction over a complaint against a government lawyer under the following standards:

2. In connection with paragraph 1, upon filing, the Court must determine whether the concerned agency, the Ombudsman, or the Court, has jurisdiction over the complaint against the government lawyer. In making such determination, the following must be considered: did the allegations of malfeasance touch upon the errant lawyer's continuing obligations under the CPR and/or the Lawyer's Oath? To put it more simply, the primordial question to be asked in making this determination is this: do the allegations in the complaint, assuming them to be true, make the lawyer unfit to practice the profession?

³² *Id.* at 326.

³³ *Id.*

³⁴ *Id.* at 323-324. The February 28, 2020 Notice of Resolution was signed by IBP National Secretary Roland B. Inting.

³⁵ *Id.* at 323.

³⁶ A.C. No. 10294, July 12, 2022 [*Per Curiam, En Banc*].

2a. If the question in paragraph 2 yields a positive answer, the case properly lies before the Court, which shall retain jurisdiction. This is so because again, the power to regulate the practice of law, and discipline members of the [B]ar, belongs to Us. Necessarily, proceedings to be had before this Court should concern these and only these matters. This rule shall hold, even if the complaint also contains allegations of administrative and/or civil service rules infractions. In such situation however, the Court shall limit its ruling only to the matter of the respondent's fitness as a lawyer.

2b. On the other hand, if the question in paragraph 2 yields a negative answer, the Court, for lack of jurisdiction, shall dismiss the case and refer the same to the appropriate government office or the Ombudsman.³⁷

Culled from the foregoing, the Court is tasked to determine if the alleged malfeasance renders the errant lawyer unfit to practice the profession.³⁸ In so doing, previous jurisprudence stating that the Court has no jurisdiction to discipline government lawyers who committed acts or omissions involving their official duties has been abandoned.³⁹ “Ultimately, it is the Court who decides whether to exercise jurisdiction on a complaint seeking to discipline government lawyers for acts done in the exercise of their duties, upon a *prima facie* showing that their misconduct makes them unfit to continue in the practice of the legal profession.”⁴⁰

Applying this new standard, and after an assiduous review of the records, the Court resolves to retain jurisdiction over this case as the certain acts complained of likewise constitute violations of Atty. Legarto’s obligations under the Code of Professional Responsibility and Accountability⁴¹ (CPRA), specifically: (1) Atty. Legarto’s failure to require Paronda to post a bond in order to answer for whatever damages that the adverse party may sustain by reason of the cease and desist order she issued; and (2) her failure to afford Magnaye and his group a hearing or an opportunity to oppose the motion to hold them in contempt.

Atty. Legarto is liable for simple negligence in connection with the issuance of the Order dated October 7, 2013

On the acts alleged in the Complaint, Magnaye maintains that the cease and desist order issued by Atty. Legarto was rife with irregularities as it was

³⁷ *Id.* at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁸ *See id.*

³⁹ *Id.* at 9. (Citation omitted)

⁴⁰ *Camarines Sur IV Electric Cooperative, Inc. v. Quiñones*, A.C. No. 10743, February 6, 2023 [Per J. Leonen, Second Division], p. 13. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴¹ SC Administrative Matter No. 22-09-01-SC, April 11, 2023.

granted without any factual basis and was issued even before the conclusion of the hearing scheduled on October 9, 2013.⁴²

The Court finds these arguments unavailing.

It is a basic principle that bare allegations of misconduct cannot prevail over the presumption of regularity in the performance of official functions.⁴³ As aptly held by the IBP, the determination of the *propriety* of the issuance of the cease and desist order is a matter that is best left to the determination of Atty. Legarto in her capacity as the HLURB Arbiter. Absent showing that this issuance was attended by bad faith, fraud, malice, or dishonesty,⁴⁴ it cannot constitute grounds for administrative liability. This is consistent with the rule that an administrative complaint is not the appropriate remedy for every act of a judge, or a quasi-judicial body, that is deemed aberrant or irregular where a judicial remedy exists and is available,⁴⁵ as in this case.

As to whether the Order erroneously predated the hearing on Magnaye's answer to Paronda's application for a cease and desist order, suffice to say that the evidence on record is inconclusive on this point.

Under Rule 21, Section 76 of the 2011 Revised Rules of Procedure of the HLURB, "[u]pon the Arbiter's receipt of the complaint with application for a cease and desist order, the Arbiter shall, simultaneously with the issuance of the summons, set the application for hearing not later than five (5) days from the issuance of such summons and notice." Here, the hearing for the cease and desist order was set and actually occurred on September 20, 2013. Magnaye stated as much in his Complaint and this fact is supported by the clear wording of the Notice of Hearing dated September 16, 2013, which expressly stated that the hearing was to be conducted to resolve the application.⁴⁶ However, the details of this hearing, including the matters taken up and resolved, are unknown. Notably, the minutes thereof were not submitted to the Court and there is nothing on the record which suggests that Atty. Legarto agreed to set a second hearing to consider Magnaye's objections to the application. Magnaye places much stock on the fact that a hearing was set for October 9, 2013; but that particular Notice of Conference does not state any specific purpose, unlike the earlier Notice of Hearing, *viz.*:

GREETINGS:

⁴² *Rollo*, pp. 3, 9–10.

⁴³ *See Castro v. Atty. Barin*, 872 Phil. 1, 6 (2020) [Per J. Delos Santos, Second Division].

⁴⁴ *See Tallado v. Judge Dating*, A.M. No. RTJ-20-2602, September 6, 2022 [Per J. Caguioa, *En Banc*], pp. 10–11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴⁵ *See Tabuzo v. Atty. Gomos*, 836 Phil. 297, 319 (2018) [Per J. Gesmundo, Third Division].

⁴⁶ *Rollo*, p. 65.



You are hereby notified that conference is set on October 9, 2013 at 2:00 PM at the abovementioned address before the undersigned Housing and Land Use Arbitrator.⁴⁷

Hence, it is doubtful whether the issuance of the Order dated October 7, 2013 was irregular in that regard.

As above-quoted, in exercising jurisdiction over allegations of malfeasance against government lawyers, the Court shall limit its ruling only to the matter of the respondent's fitness as a lawyer. Any allegations of administrative and/or civil service rules infractions are best left to the review of the government body to which the respondent lawyer belongs. Accordingly, any issue on the purported impropriety or irregularity in the action taken by Atty. Legarto on Paronda's application for a cease and desist order should be examined through the correct review or appeal process of the HLURB—not through an administrative complaint before the Court.

Although it bears emphasizing that in the proceedings before the IBP, Magnaye advanced another irregularity to the October 7, 2013 Order: “[Atty. Legarto] never required [] Paronda to post a bond in order to answer for whatever damages that the adverse party may sustain by reason of the [c]ease and [d]esist [o]rder issued by her.”⁴⁸

On this score, Magnaye's administrative charge is meritorious.

A plain reading of the Order in question reveals that Atty. Legarto was remiss on this point. Atty. Legarto disposed in this manner:

All told, [Magnaye] and his group who are all homeowners of New Mahogany Village HOAI are ordered to immediately refrain or cease and desist from engaging in any activity which aims to undermine and disrupt the services of the association and its homeowners. All parties herein and homeowners-members of this association are ordered to preserve the tranquil [*status quo*] of the association and ordered to stop from creating hostilities in the association.

The incumbent board of directors of NEMVIHAI is ordered to continue engaging in their function necessary to the effective deliver of services to the members of herein association until further orders from this office.

SO ORDERED.⁴⁹ (Emphasis in the original)

Glaringly absent is the directive to Paronda to file a bond to answer for whatever damages that Magnaye and his group may suffer if it is later decided that the former was not entitled to the cease and desist order against the latter.

⁴⁷ *Id.* at 86.

⁴⁸ *Id.* at 168, Position Paper of Magnaye.

⁴⁹ *Id.* at 14–15.

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This is in direct contravention to the clear requirement under Rule 21, Section 77⁵⁰ of the 2011 Revised Rules of Procedure of the HLURB. Unlike the previous charges involving the incidents surrounding the grant of the cease and desist order, this particular issue goes into Atty. Legarto's fitness as a lawyer. This omission constitutes ignorance of the law and/or dereliction of duty on the part of Atty. Legarto who is presumed to be intimately familiar with the rules of procedure of the HLURB as an Arbiter.

Appositely, in *In Re: Complaint to Aero Engr. Reci Against CA Marquez and DCA Bahia Relative to Crim. Case No. 05-236956*,⁵¹ the Court held that—

Dereliction of duty may be classified as gross or simple neglect of duty or negligence. Gross neglect of duty or gross negligence “refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but wilfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property.” It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable. *In contrast, simple neglect of duty means the failure of an employee or official to give proper attention to a task expected of him or her, signifying a “disregard of a duty resulting from carelessness or indifference.”*⁵² (Emphasis supplied)

There is no proof that this omission was so flagrant and palpable as to rise to the level of gross negligence. If at all, it is more likely due to oversight that the directive for the filing of a bond was not included. Still, considering the volatile dispute between the camps of Magnaye and Paronda, Atty. Legarto should have been more circumspect in observing the basic rules of procedure in carrying out her functions as to obviate any doubt as to her partiality. This failure on the part of Atty. Legarto to give proper attention to the issuance of the Order dated October 7, 2013 renders her administratively liable for the less serious offense of simple negligence as penalized under Canon VI, Section 34(b)⁵³ of the CPRA.

⁵⁰ Section 77. *Grounds for the Issuance of Cease and Desist Order.* — No cease and desist order shall be issued unless it is clearly established by competent proof that all of the following concur:

....

If the application for issuance of a cease and desist order is granted, the Arbiter shall require the applicant to file a bond to answer for whatever damages that the adverse party may sustain by reason of the order, if it should be later decided that the applicant is not entitled thereto.

⁵¹ 805 Phil. 290 (2017) [Per J. Perlas-Bernabe, *En Banc*].

⁵² *Id.* at 292.

⁵³ *Id.*

In the absence of any mitigating or aggravating circumstance, she is meted a fine of PHP 35,000.00 pursuant to Canon VI, Section 37(b)(2)⁵⁴ of the CPRA.

Atty. Legarto is liable for gross ignorance of the law for the issuance of the Order dated December 16, 2013

As to the acts complained of in the Supplement, the Court agrees with Magnaye that the Order dated December 16, 2013 was highly irregular and was tainted by bad faith and corrupt motive.

In the Order dated December 16, 2013, Magnaye and his group were held in contempt for supposedly violating the cease and desist order when they took over management and supervision of the guard house and placed their own security guards without the consent and approval of the incumbent NEMVIHAI Board.⁵⁵ Although the Order states that Paronda's motion "specifically averred" these incidents, an inspection thereof belies this fact. As pointed out by Magnaye, Paronda's motion contained only the following general allegation: "[t]hat, said [Magnaye] and his group openly [defied] the aforementioned Order to the damage and prejudice of the peace and tranquility of the homeowners[.]"⁵⁶ Parenthetically, the Order declared that the Paronda's motion "presented proofs" of these events when no evidence was attached to the motion.⁵⁷ Finally, the Order was issued without setting the motion for hearing, thereby denying Magnaye and his group the right to due process.

To be sure, the HLURB Board of Commissioners likewise found the Order problematic on these same points when it granted Magnaye's appeal therefrom.⁵⁸ The Court echoes with approbation the ratiocination of the HLURB Board of Commissioners:

In the case of *Salinas v[J]. Bitas*, the Court summed up the basic procedure for the declaration of a party in contempt under the Rules of Court which has suppletory application to proceedings before this Board, thus:

"First, there must be an order requiring the petitioner to show cause why she should not be cited for contempt.

⁵⁴ Section 37. *Sanctions.* —

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

....

(1) A fine within the range of [PHP] 35,000.00 to [PHP] 100,000.00.

⁵⁵ *Rollo*, p. 101.

⁵⁶ *Id.* at 99, Motion to Declare Edgardo Magnaye, et. al., in Contempt.

⁵⁷ *Id.* at 101, HLURB Order dated December 16, 2013.

⁵⁸ *Id.* at 303–305. The August 15, 2014 Decision in HLURB Case No. HOA-A-140210-0585 (REM-RIV-050213-0633) was signed by NEDA Deputy Director General Ex-Officio Commissioner Emmanuel F. Esguerra, Commissioner Linda L. Malenab-Hornilla, and Chief Executive Officer & Commissioner Antonio M. Bernardo of the Fourth Division, HLURB Board of Commissioners.

Second, the petitioner must be given the opportunity to comment on the charge against her. *Third*, there must be a hearing and the court must investigate the charge and consider petitioner's answer. *Finally*, only if found guilty will petitioner be punished accordingly. What is most essential in indirect contempt cases, however, is that the alleged contemner be granted an opportunity to meet the charges against him and to be heard in his defenses."

And while proceedings before HLURB is administrative and summary in nature and the HLURB Rules of Procedure does not provide the procedure for citing a party in indirect contempt, it is not exempt from observing the basic requirements of due process. In this case however, there is no compliance even with the bare requirements of notice and hearing. We are therefore constrained to set the Order dated December 16, 2013 aside.⁵⁹ (Emphasis in the original)

Under Rule 1, Section 4 of the 2011 Revised Rules of Procedure of the HLURB, the provisions of the Rules of Court apply suppletorily to the HLURB proceedings. Prior to the 2019 Amendments to the 1997 Rules of Civil Procedure,⁶⁰ it was a basic requirement that litigious motions which may prejudice the rights of the adverse party, such as a motion to declare said person in contempt, must be set for hearing.⁶¹ While the 2019 amendments made the conduct of a hearing for litigious motions discretionary, the opposing party must still be given the opportunity to oppose the motion.⁶² These due process safeguards were undeniably disregarded by Atty. Legarto when she declared Magnaye and his group in contempt without a hearing or even affording them the opportunity to oppose the motion.

As adumbrated above, while errors of judgment of an adjudicator normally do not result in administrative liability absent malintent, when the rule violated is so elementary, the failure to know or observe it constitutes punishable gross ignorance of the law.⁶³

Canon VI, Section 33(h) of the CPRA classifies gross ignorance of the law as a serious offense when "attended by bad faith, malice, or corrupt motive." In the case at bench, bad faith and corrupt motive are shown by the other irregularities surrounding the issuance of the Order dated December 16, 2013, i.e., referring to allegations and proof that were not proffered in Paronda's motion.

⁵⁹ *Id.* at 305.

⁶⁰ SC Administrative Matter No. 19-10-20-SC, May 1, 2020.

⁶¹ *See* RULES OF COURT, Rule 15, sec. 4.

⁶² *See* RULES OF COURT, Rule 15, sec. 5, as amended by A.M. No. 19-10-20-SC, May 1, 2020.

⁶³ *See In Re: Supreme Court (First Division) Notice of Judgment dated December 14, 2011 in G.R. No. 188376 v. Atty. Miñas*, 890 Phil. 342, 363 (2020) [Per J. Inting, *En Banc*].

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In the absence of any mitigating or aggravating circumstance, she is meted the penalty of suspension from the practice of law for six months and one day in accordance with Canon VI, Section 37(a)(2)⁶⁴ of the CPRA.

Atty. Legarto is likewise liable for willful and deliberate disobedience of the orders of the Supreme Court and the IBP

Finally, Atty. Legarto is likewise administratively liable for deliberately disregarding the orders of this Court to file her comment on both the Complaint and the Supplement, as well as disobeying the orders of the IBP with regard to attending the mandatory conference and the filing of her position paper.

Canon VI, Section 34(c) of the CPRA ordains that a lawyer's willful and deliberate disobedience to the orders of the Supreme Court and the IBP constitute a less serious offense. In obeisance to prevailing jurisprudence⁶⁵ and Section 37(b)(2) of the same Canon, the Court appropriately finds the imposition of a fine of PHP 35,000.00 proper as there is neither mitigating nor aggravating circumstance present.

The fines imposed shall be paid within a period not exceeding three months from the date of receipt of the Decision, otherwise, Atty. Legarto may be cited in indirect contempt.⁶⁶

ACCORDINGLY, respondent Atty. Mary Ann C. Legarto is found **GUILTY** of:

- (1) simple negligence in the performance of duty under Canon VI, Section 34(b) of the Code of Professional Responsibility and Accountability and is **DIRECTED** to **PAY** a fine of PHP 35,000.00;
- (2) gross ignorance of the law under Canon VI, Section 33(h) of the Code of Professional Responsibility and Accountability and is **SUSPENDED** from the practice of law for a period of six months and one day, effective immediately; and

⁶⁴ 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:

....

(2) Suspension from the practice of law for a period exceeding six (6) months[.]

⁶⁵ See *Kelley v. Atty. Robielos*, A.C. No. 13955, January 30, 2024 [*Per Curiam, En Banc*].

⁶⁶ See CODE OF PROF. RESPONSIBILITY AND ACCOUNTABILITY (2023), Canon VI, sec. 41.

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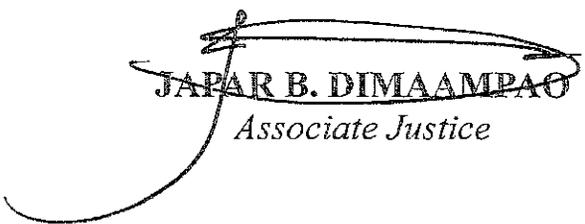
- (3) willful and deliberate disobedience of the orders of the Supreme Court and the Integrated Bar of the Philippines under Canon VI, Section 34(c) of the Code of Professional Responsibility and Accountability and is **DIRECTED** to **PAY** a fine of PHP 35,000.00.

The payment of the fines must be made within a period not exceeding three months from the date of receipt of this Decision.

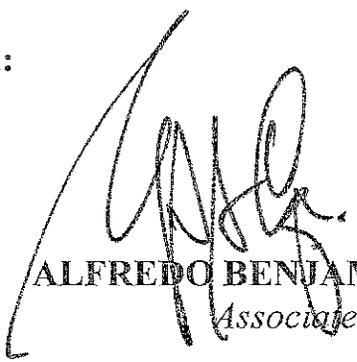
Atty. Mary Ann C. Legarto is likewise **STERNLY WARNED** that a repetition of the same or similar act in the future will be dealt with more severely. She is **DIRECTED** to report the date of receipt of this Decision in order to determine when her suspension shall take effect.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to respondent Atty. Mary Ann C. Legarto's personal record as an attorney; the Integrated Bar of the Philippines, for their information and guidance; and the Office of the Court Administrator, for dissemination to all the courts in the country.

SO ORDERED.

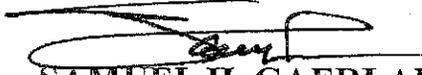

JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

