



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 March 2021** which reads as follows:*

“**A.C. No. 12832 (Raymond Low v. Atty. Rene C. Abcede, Jr.)**. — A lawyer’s responsibility to protect and advance the interests of his client does not warrant a course of action propelled by ill motives and malicious intentions against the other party.<sup>1</sup>

**ANTECEDENTS**

In 2015, Raymond Low (Raymond) filed against Atty. Rene C. Abcede, Jr. (Atty. Abcede, Jr.) a Complaint<sup>2</sup> for disbarment for violation of the Code of Professional Responsibility (CPR). Allegedly, Atty. Abcede, Jr. assisted Raymond’s wife, Geraldine Low (Geraldine), in filing a petition for declaration of nullity of marriage. Atty. Abcede, Jr. encouraged Geraldine to file the petition before the Regional Trial Court (RTC), Branch 39, in Sogod, Southern Leyte, although Geraldine is a resident of Cebu City.<sup>3</sup> Also, Atty. Abcede, Jr. falsely stated in the petition that Raymond and Geraldine did not acquire properties during their marriage. Yet, Atty. Abcede, Jr. prepared Geraldine’s judicial affidavit and knew well that the spouses own a condominium unit at Park Tower 2 in Cebu Business Park.<sup>4</sup> On the other hand, Atty. Abcede, Jr. denied the accusation and argued that he represented Geraldine with utmost good faith. The contents of the pleadings he filed were all based on Geraldine’s factual narrations.<sup>5</sup>

On March 15, 2016, the Commission on Bar Discipline (The Commission) of the Integrated Bar of the Philippines (IBP) found that Atty. Abcede, Jr. misrepresented his client’s residence and ownership of real

<sup>1</sup> *Ramos v. Pallugna*, 484 Phil. 184, 192 (2004).

<sup>2</sup> *Rollo*, pp. 3-7.

<sup>3</sup> *Id.* at 616-617.

<sup>4</sup> *Id.* at 2, and 4-6.

<sup>5</sup> *Id.* at 55-57.

property. The Commission recommended the suspension of Atty. Abcede, Jr. from the practice of law for a period of six (6) months.<sup>6</sup> On September 28, 2017, the IBP Board of Governors adopted the Commission's findings.<sup>7</sup>

### RULING

A lawyer is first and foremost an officer of the Court. As such, his acts must always be within the bounds of law although he is required to serve the clients with utmost dedication, competence, and diligence. Graver responsibility is imposed upon him than any other to uphold the integrity of the courts, and show respect to their processes. Hence, any act on his part that obstructs, impedes, and degrades the administration of justice constitutes professional misconduct warranting the imposition of disciplinary sanctions.<sup>8</sup> There is strong public interest involved in requiring an attorney to behave at all times in a manner consistent with truth and honor.<sup>9</sup> Apropos are Rules 7.03, 10.01, and 10.03 of the CPR, thus:

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

Rule 10.01 A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead or allow the Court to be misled by any artifice.

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

Here, Atty. Abcede, Jr. did not act as a true officer of the court when he filed a petition for nullity of marriage before a venue that he knew was improper. Apropos is Section 4 of A.M. No. 02-11-10-SC<sup>10</sup> which explicitly provides that a petition for declaration of absolute nullity of a void marriage should be filed in the Family Court of the Province or the City where the petitioner or respondent has been residing for at least six (6) months prior to the filing. Notably, Atty. Abcede, Jr. filed the petition before the RTC in Southern Leyte although his client, Geraldine, is a resident of Cebu City. As a result, the RTC dismissed the petition.<sup>11</sup> Atty. Abcede, Jr. cannot claim good faith and feign ignorance, considering that he prepared Geraldine's judicial affidavit stating that she resides at 45 Paseo Siegfredo, Maria Luisa Estate Park, Banilad, Cebu City.<sup>12</sup> Similarly, Atty. Abcede, Jr. misrepresented that Raymond and Geraldine have no real properties despite

<sup>6</sup> *Id.* at 615-622.

<sup>7</sup> *Id.* at 613-614.

<sup>8</sup> *Lukang v. Llamas*, A.C. No. 4178, July 8, 2019.

<sup>9</sup> *Maligaya v. Doronilla, Jr.* (Resolution), 533 Phil. 303, 308 (2006).

<sup>10</sup> RE: PROPOSED RULE ON DECLARATION OF ABSOLUTE NULLITY OF VOID MARRIAGES AND ANNULMENT OF VOIDABLE MARRIAGES; dated March 4, 2003.

<sup>11</sup> *Rollo*, pp. 535-536.

<sup>12</sup> *Id.* at 567.

his knowledge that the spouses own a condominium unit.<sup>13</sup> Taken together, Atty. Abcede, Jr. is guilty of committing falsehood in court. Atty. Abcede, Jr. misused the rules of procedure to unreasonably advance the interest of his client, and trifled with the Court's processes.

In several cases, the Court had suspended erring lawyers for a period of six (6) months for offenses involving misrepresentations before the courts and disregard of proper procedure. In *Spouses Umaguing v. De Vera*,<sup>14</sup> the respondent allowed the submission of a falsified affidavit in his desire to meet the deadline for filing an election protest. In *Lukang v. Llamas*,<sup>15</sup> the respondent alleged in the petition for reconstitution that his clients were the true and absolute owners of the property. Also, the respondent stated that the property had been free from all liens and encumbrances despite his knowledge that the question of ownership was still the subject of several pending cases. In *In Re: Ildefonso Suerte*,<sup>16</sup> the respondent filed two separate petitions for annulment of marriage in two different courts, committing forum shopping. In *Alonso v. Relamida*,<sup>17</sup> the respondent was guilty of violating the rules on *res judicata* and forum shopping. Consistent with these cases, this Court agrees with the IBP's recommendation to suspend Atty. Abcede, Jr. from the practice of law for six (6) months.

**FOR THESE REASONS**, Atty. Rene C. Abcede, Jr. is **SUSPENDED** for six (6) months from the practice of law, effective upon receipt of this Resolution. He is **WARNED** that a repetition of the same or a similar act will be dealt with more severely.

Atty. Abcede, Jr. is **DIRECTED** to report the date of his receipt of this Resolution to enable this Court to determine when his suspension shall take effect.

Let a copy of this Resolution be furnished the Office of the Bar Confidant, to be appended to the personal record of Atty. Abcede, Jr. as a member of the Bar; the Integrated Bar of the Philippines, for distribution to all its chapters; and the Office of the Court Administrator, for circulation to all courts in the country for their information and guidance.

**SO ORDERED.**" (Rosario, J., on leave.)

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<sup>13</sup> *Id.* at 103.

<sup>14</sup> 753 Phil. 11 (2015).

<sup>15</sup> *Supra* note 8.

<sup>16</sup> 788 Phil. 492 (2016).

<sup>17</sup> 640 Phil. 325 (2010).

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:

  
MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court  
22 JUN 2021

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