



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SPECIAL SECOND DIVISION

NOTICE

Sirs/Mesdames:

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

“**A.C. No. 12674 (Leonardo G. Puno v. Atty. John Nathaniel I. Marasigan)**. – Before the Court is the *Ad Cautelam* Motion for Reconsideration¹ filed by Atty. John Nathaniel Marasigan (respondent) seeking reconsideration of the Court Resolution² dated October 14, 2020 which adopted the findings and recommendation of the Integrated Bar of the Philippines Board of Governors.³

The Court ruled that respondent had knowingly misrepresented the text of the Ombudsman Resolution⁴ dated November 5, 2007 in OMB-M-C-05-0427-I when he: (1) stated in his Omnibus Motion⁵ that no public officer was indicted in the criminal complaint, when, in truth, Engineer Zoilo Gudín was criminally charged with the violation of Section 7 (d) of Republic Act No. 6713; and (2) reiterated the same argument in his Motion for Reconsideration⁶ dated August 23, 2011 filed before the Office of the City Prosecutor, Davao City.

The dispositive portion of the Resolution reads:

WHEREFORE, respondent Atty. John Nathaniel I. Marasigan is found GUILTY of violating Section 20 (d), Rule 138 of the Rules of Court and Rule 10.02 and Rule 10.03, Canon 10 of the Code of Professional Responsibility and is hereby SUSPENDED for THREE (3) MONTHS from the practice of law, effective upon the receipt of this Resolution. He is WARNED that a repetition of the same or a similar act will be dealt with more severely.

x x x x.

¹ *Rollo*, pp. 290-293.

² *Id.* at 281-287.

³ *Id.* at 242.

⁴ *Id.* at 11-13.

⁵ *Id.* at 8-10.

⁶ *Id.* at 14-16.

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SO ORDERED.⁷

Hence, the filing of the present Motion for Reconsideration.⁸

In his motion, respondent expresses his sincere regrets for what he did in the subject pleadings and wholly acknowledges his guilt before the Court. However, he asks the Court for some leniency considering that: (1) this is his first ethical infraction before the Court; (2) the Coronavirus Disease 2019 (COVID-19) pandemic has already adversely affected his private practice; and (3) he is now at loss as to how he will provide for his family's basic needs while he serves the three-month suspension meted out against him.⁹

The Court's Ruling

In light of respondent's unfeigned plea for compassion, the Court takes a second look at the penalty imposed upon him in consideration of the mitigating factors he raised in his motion.

Jurisprudence dictates that the power to suspend lawyers from the practice of law must always be exercised "on the preservative and not on the vindictive principle, with great caution and only for the most weighty reasons and only on clear cases of misconduct which seriously affect the standing and character of the lawyer as an officer of the court and member of the Bar."¹⁰ To this end, the Court must necessarily take into account the mitigating or aggravating circumstances that are present in each case, if any.¹¹

The Court is not unaware of the severe economic hardships and health risks brought about by the COVID-19 pandemic.¹² With this in mind, the Court is persuaded to exhibit a degree of leniency in respondent's case considering that: *first*, this administrative case is his *first offense*; *second*, he has acknowledged his guilt before the Court and has offered his sincere apology for his disgraceful conduct; and *third*, his suspension would be extremely detrimental to the health and well-being

⁷ *Id.* at 286-287.

⁸ *Id.* at 290-293.

⁹ *Id.* at 291.

¹⁰ *Advincula v. Macabata*, 546 Phil. 431, 447 (2007).

¹¹ *Id.*

¹² The disruptions brought about by the COVID-19 pandemic have plunged the Philippine economy into the deepest recession in more than two decades. (PH: Battling COVID-19, reviving economy. Philippine Daily Inquirer (10 February 2021); Retrieved from: <[https://business.inquirer.net / 317368/ph-battling-covid-19-reviving-economy](https://business.inquirer.net/317368/ph-battling-covid-19-reviving-economy)> last accessed on March 10, 2021).

of his family, who relies on him for support.

Indubitably, the Court has refrained from imposing the actual penalties in the presence of humanitarian and equitable considerations, among others.¹³ To illustrate, in one case,¹⁴ the Court, after considering the various mitigating factors present therein, meted out the penalty of reprimand, in lieu of suspension, with a stern warning that a repetition of a similar offense shall merit a heavier penalty. Guided by this precedent, the Court now imposes the same penalty against respondent in view of the above-mentioned mitigating factors in his favor.

WHEREFORE, the Court Resolution dated October 14, 2020 is hereby **MODIFIED** in that the suspension of three (3) months is **DELETED**, and in lieu thereof, respondent is meted out the penalty of **REPRIMAND** with a **STERN WARNING** that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *Wth' 6/4*

04 JUN 2021

¹³ *Rayos v. Hernandez*, 558 Phil. 228, 230 (2007).

¹⁴ *Re: Republic v. Sereno*, A.M. No. 18-06-01-SC, July 17, 2018.

LEONARDO G. PUNO (reg)

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Supreme Court, Manila

HON. JOSE MIDAS P. MARQUEZ (x)

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Supreme Court, Manila

Please notify the Court of any change in your address.

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