



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

VICTOR C. LINGAN,
 Complainant,

A.C. No. 5377

Present:

PERALTA, J., *Acting Chairperson,*^{*}
VILLARAMA, JR.^{**}

-versus-

MENDOZA,
REYES and^{***}
LEONEN, JJ.

ATTYS. ROMEO
CALUBAQUIB and JIMMY P.
BALIGA,
 Respondents.

Promulgated:

June 30, 2014

X-----*Diosdado M. Peralta*-----X

RESOLUTION

LEONEN, J.:

This court has the exclusive jurisdiction to regulate the practice of law. When this court orders a lawyer suspended from the practice of law, the lawyer must desist from performing all functions requiring the application of legal knowledge within the period of suspension. This includes desisting from holding a position in government requiring the authority to practice law.

* Associate Justice Diosdado M. Peralta was designated as Acting Chairperson of the Third Division per Special Order No. 1707 dated June 17, 2014, vice Associate Justice Presbitero J. Velasco, Jr., in view of the latter's official trip to Nairobi, Kenya on June 22 to 25, 2014 and to South Africa on June 26 to 29, 2014.

** Associate Justice Martin S. Villarama, Jr. was designated as Acting Member per Special Order No. 1691 dated May 22, 2014, in view of the vacancy in the Third Division.

*** Associate Justice Bienvenido L. Reyes was designated as Acting Member of the Third Division per Special Order No. 1704 dated June 17, 2014, vice Associate Justice Presbitero J. Velasco, Jr., in view of the latter's official trip to Nairobi, Kenya on June 22 to 25, 2014 and to South Africa on June 26 to 29, 2014.

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For our resolution is respondent Atty. Jimmy P. Baliga's motion to lift one-year suspension from the practice of law.¹

In the resolution² dated June 15, 2006, this court found Attys. Romeo I. Calubaquib and Jimmy P. Baliga guilty of violating Rule 1.01, Canon 1 of the Code of Professional Responsibility³ and of the Lawyer's Oath.⁴ Respondents allowed their secretaries to notarize documents in their stead, in violation of Sections 245⁵ and 246⁶ of the Notarial Law. This court suspended respondents from the practice of law for one year, revoked their notarial commissions, and disqualified them from reappointment as notaries public for two years.

Complainant Victor C. Lingan filed his motion for reconsideration,⁷ praying that respondents be disbarred, not merely suspended from the

¹ *Rollo*, pp. 558–566. This motion is dated November 16, 2009.

² *Id.* at 240–255.

³ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 1, Rule 1.01 states:

Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

⁴ “I, _____, do solemnly swear that I will maintain allegiance to the Republic of the Philippines, I will support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, or give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients; and I impose upon myself these voluntary obligations without any mental reservation or purpose of evasion. So help me God.”

⁵ REVISED ADMINISTRATIVE CODE OF 1917, book I, title IV, chap. 11, art. V, sec. 245 states:

SECTION 245. Notarial register. – Every notary public shall keep a register to be known as the notarial register, wherein record shall be made of all his official acts as notary; and he shall supply a certified copy of such record, or any part thereof, to any person applying for it and paying the legal fees therefor.

⁶ REVISED ADMINISTRATIVE CODE OF 1917, book I, title IV, chap. 11, art. V, sec. 246 states:

SECTION 246. Matters to be entered therein – The notary public shall enter in such register, in chronological order, the nature of each instrument executed, sworn to, or acknowledged before him, the person executing, swearing to, or acknowledging the instrument, the witnesses, if any, to the signature, the date of the execution, oath, or acknowledgment of the instrument, the fees collected by him for his services as notary in connection therewith, and; when the instrument is a contract, he shall keep a correct copy thereof as part of his records, and shall likewise enter in said records a brief description of the substance thereof, and shall give to each entry a consecutive number, beginning with number one in each calendar year. The notary shall give to each instrument executed, sworn to, or acknowledged before him a number corresponding to the one in his register, and shall also state on the instrument the page or pages of his register on which the same is recorded. No blank line shall be left between entries.

When a notary public shall protest any draft, bill of exchange, or promissory note, he shall make a full and true record in his notarial register of all his proceedings in relation thereto, and shall note therein whether the demand or the sum of money therein mentioned was made, of whom, when, and where; whether he presented such draft, bill, or note; whether notices were given, to whom, and in what manner; where the same was made, and when, and to whom, and where directed; and of every other fact touching the same.

At the end of each week the notary shall certify in his register the number of instruments executed, sworn to, acknowledged, or protested before him; or if none such, certificate shall show this fact.

⁷ *Rollo*, pp. 256–293.

practice of law. In the resolution⁸ dated September 6, 2006, this court denied complainant Lingan's motion for reconsideration for lack of merit.

On March 22, 2007, Atty. Baliga, also the Regional Director of the Commission on Human Rights Regional Office for Region II, filed the undated ex parte clarificatory pleading with leave of court.⁹

In his ex parte clarificatory pleading, Atty. Baliga alleged that on July 14, 2006, complainant Lingan wrote the Commission on Human Rights. Lingan requested the Commission to investigate Atty. Baliga following the latter's suspension from the practice of law.

After this court had suspended Atty. Baliga from the practice of law, the Commission on Human Rights En Banc issued the resolution¹⁰ dated January 16, 2007, suspending him from his position as Director/Attorney VI of the Commission on Human Rights Regional Office for Region II. According to the Commission on Human Rights En Banc, Atty. Baliga's suspension from the practice of law "prevent[ed] [him] from assuming his post [as Regional Director] for want of eligibility in the meantime that his authority to practice law is suspended."¹¹

Atty. Baliga argued that he cannot be suspended for acts not connected with his functions as Commission on Human Rights Regional Director. According to Atty. Baliga, his suspension from the practice of law did not include his suspension from public office. He prayed for clarification of this court's resolution dated June 15, 2006 "to prevent further injury and prejudice to [his] rights."¹²

This court noted without action Atty. Baliga's ex parte clarificatory pleading as this court does not render advisory opinions.¹³

On May 8, 2009, this court received a letter from complainant Lingan. In his letter¹⁴ dated May 4, 2009, Lingan alleged that Atty. Baliga continued practicing law and discharging his functions as Commission on Human Rights Regional Director, in violation of this court's order of suspension.

Complainant Lingan allegedly received a copy of the Commission on Human Rights En Banc's resolution suspending Atty. Baliga as Regional

⁸ Id. at 295.

⁹ Id. at 296-343.

¹⁰ Id. at 322-325, Resolution CHR (III) No. A2007-013.

¹¹ Id. at 323.

¹² Id. at 307.

¹³ Id. at 346, Resolution dated July 16, 2007.

¹⁴ Id. at 397-413.

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Director. On Atty. Baliga's motion, the Commission reconsidered Atty. Baliga's suspension and instead admonished him for "[violating] the conditions of his commission as a notary public."¹⁵ According to complainant Ligan, he was not served a copy of Atty. Baliga's motion for reconsideration.¹⁶

Complainant Ligan claimed that the discharge of the functions of a Commission on Human Rights Regional Director necessarily required the practice of law. A Commission on Human Rights Regional Director must be a member of the bar and is designated as Attorney VI. Since this court suspended Atty. Baliga from the practice of law, Atty. Baliga was in effect "a non-lawyer . . . and [was] disqualified to hold the position of [Regional Director] [during the effectivity of the order of suspension]."¹⁷ The Commission on Human Rights, according to complainant Ligan, should have ordered Atty. Baliga to desist from performing his functions as Regional Director. Complainant Ligan prayed that this court give "favorable attention and action on the matter."¹⁸

This court endorsed complainant Ligan's letter to the Office of the Bar Confidant for report and recommendation.¹⁹

In its report and recommendation²⁰ dated June 29, 2009, the Office of the Bar Confidant found that the period of suspension of Attys. Calubaquib and Baliga had already lapsed. It recommended that respondents be required to file their respective motions to lift order of suspension with certifications from the Integrated Bar of the Philippines and the Executive Judge of the court where they might appear as counsel and state that they desisted from practicing law during the period of suspension.

On the claim that the Commission on Human Rights allowed Atty. Baliga to perform his functions as Regional Director during the period of suspension, the Office of the Bar Confidant said that the Commission "deliberate[ly] disregard[ed]"²¹ this court's order of suspension. According to the Office of the Bar Confidant, the Commission on Human Rights had no power to "[alter, modify, or set aside any of this court's resolutions] which [have] become final and executory."²²

Thus, with respect to Atty. Baliga, the Office of the Bar Confidant recommended that this court require him to submit a certification from the

¹⁵ Id. at 407, Resolution CHR (III) No. A2007-045 dated April 13, 2007.

¹⁶ Id. at 398.

¹⁷ Id.

¹⁸ Id. at 400.

¹⁹ Id. at 396, 1st Indorsement dated May 13, 2009.

²⁰ Id. at 415-420.

²¹ Id. at 418.

²² Id.

Commission on Human Rights stating that he desisted from performing his functions as Regional Director while he was suspended from the practice of law.²³

The Office of the Bar Confidant further recommended that Atty. Baliga and the Commission on Human Rights be required to comment on complainant Lingan's allegation that Atty. Baliga continued to perform his functions as Regional Director while he was suspended from the practice of law.

On July 17, 2009, Atty. Baliga filed a manifestation,²⁴ arguing that his suspension from the practice of law did not include his suspension from public office. Atty. Baliga said, "[t]o stretch the coverage of [his suspension from the practice of law] to [his] public office would be tantamount to [violating] his constitutional rights [sic] to due process and to the statutory principle in law that what is not included is deemed excluded."²⁵

In the resolution²⁶ dated September 23, 2009, this court required respondents to file their respective motions to lift order of suspension considering the lapse of the period of suspension. This court further ordered Atty. Baliga and the Commission on Human Rights to comment on complainant Lingan's allegation that Atty. Baliga continued performing his functions as Regional Director while he was suspended from the practice of law. The resolution dated September 23, 2009 provides:

Considering that the period of suspension from the practice of law and disqualification from being commissioned as notary public imposed on respondents have [sic] already elapsed, this Court resolves:

- (1) to require both respondents, within ten (10) days from notice, to **FILE** their respective motions to lift relative to their suspension and disqualification from being commissioned as notary public and **SUBMIT** certifications from the Integrated Bar of the Philippines and Executive Judge of the Court where they may appear as counsel, stating that respondents have actually ceased and desisted from the practice of law during the entire period of their suspension and disqualification, unless already complied with in the meantime;
- (2) to require Atty. Jimmy P. Baliga to **SUBMIT** a certification from the Commission on Human Rights [CHR] stating that he has been suspended from office and has stopped from the performance of his functions for the period stated in the order of suspension and disqualification, within ten (10) days from notice hereof;

²³ Id. at 420.

²⁴ Id. at 422-471.

²⁵ Id. at 426.

²⁶ Id. at 473-474.

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- (3) to require respondent Atty. Baliga and the CHR to **COMMENT** on the allegations of complainant against them, both within ten (10) days from receipt of notice hereof; . . . ²⁷ (Emphasis in the original)

In compliance with this court's order, Attys. Calubaquib and Baliga filed their respective motions to lift order of suspension.²⁸ Atty. Baliga also filed his comment on complainant Lingan's allegation that he continued performing his functions as Regional Director during his suspension from the practice of law.

In his comment²⁹ dated November 13, 2009, Atty. Baliga alleged that as Regional Director, he "perform[ed], generally, managerial functions,"³⁰ which did not require the practice of law. These managerial functions allegedly included "[supervising] . . . the day to day operations of the regional office and its personnel";³¹ "monitoring progress of investigations conducted by the [Commission on Human Rights] Investigation Unit";³² "monitoring the implementation of all other services and assistance programs of the [Commission on Human Rights] by the different units at the regional level";³³ and "[supervising] . . . the budgetary requirement preparation and disbursement of funds and expenditure of the [Regional Office]."³⁴ The Commission allegedly has its own "legal services unit which takes care of the legal services matters of the [Commission]."³⁵

Stating that his functions as Regional Director did not require the practice of law, Atty. Baliga claimed that he "faithful[ly] [complied] with [this court's resolution suspending him from the practice of law]."³⁶

The Commission on Human Rights filed its comment³⁷ dated November 27, 2009. It argued that "the penalty imposed upon Atty. Baliga as a member of the bar is separate and distinct from any penalty that may be imposed upon him as a public official for the same acts."³⁸ According to the Commission, Atty. Baliga's suspension from the practice of law is a "bar matter"³⁹ while the imposition of penalty upon a Commission on Human Rights official "is an entirely different thing, falling as it does within the exclusive authority of the [Commission as] disciplining body."⁴⁰

²⁷ Id. at 473.

²⁸ Id. at 478-482 and 558-566.

²⁹ Id. at 543-556.

³⁰ Id. at 544.

³¹ Id. at 544-545.

³² Id. at 545.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id. at 487-542.

³⁸ Id. at 490

³⁹ Id.

⁴⁰ Id.

Nevertheless, the Commission manifested that it would defer to this court's resolution of the issue and would "abide by whatever ruling or decision [this court] arrives at on [the] matter."⁴¹

In reply⁴² to Atty. Baliga's comment, complainant Lingan argued that Atty. Baliga again disobeyed this court. Atty. Baliga failed to submit a certification from the Commission on Human Rights stating that he was suspended from office and desisted from performing his functions as Regional Director.

As to Atty. Baliga's claim that he did not practice law while he held his position as Regional Director and only performed generally managerial functions, complainant Lingan countered that Atty. Baliga admitted to defying the order of suspension. Atty. Baliga admitted to performing the functions of a "lawyer-manager,"⁴³ which under the landmark case of *Cayetano v. Monsod*⁴⁴ constituted practice of law. Complainant Lingan reiterated that the position of Regional Director/Attorney VI requires the officer "to be a lawyer [in] good standing."⁴⁵ Moreover, as admitted by Atty. Baliga, he had supervision and control over Attorneys III, IV, and V. Being a "lawyer-manager," Atty. Baliga practiced law while he held his position as Regional Director.

With respect to Atty. Baliga's claim that he was in good faith in reassuming his position as Regional Director, complainant Lingan countered that if Atty. Baliga were really in good faith, he should have followed the initial resolution of the Commission on Human Rights suspending him from office. Atty. Baliga did not even furnish this court a copy of his motion for reconsideration of the Commission on Human Right's resolution suspending him from office. By "playing ignorant on what is 'practice of law', twisting facts and philosophizing,"⁴⁶ complainant Lingan argued that Atty. Baliga "[no longer has that] moral vitality imperative to the title of an attorney."⁴⁷ Complainant Lingan prayed that Atty. Baliga be disbarred.

On February 17, 2010, this court lifted the order of suspension of Atty. Calubaquib.⁴⁸ He was allowed to resume his practice of law and perform notarial acts subject to compliance with the requirements for issuance of a notarial commission.

On the other hand, this court referred to the Office of the Bar

⁴¹ Id. at 491.

⁴² Id. at 587-592.

⁴³ Id. at 589.

⁴⁴ 278 Phil. 235 (1991) [Per J. Paras, En Banc].

⁴⁵ *Rollo*, p. 589.

⁴⁶ Id. at 590.

⁴⁷ Id. at 591.

⁴⁸ Id. at 569-570.

Confidant for evaluation, report, and recommendation Atty. Baliga's motion to lift one-year suspension and the respective comments of Atty. Baliga and the Commission on Human Rights.⁴⁹

In its report and recommendation⁵⁰ dated October 18, 2010, the Office of the Bar Confidant stated that Atty. Baliga "should not [have been] allowed to perform his functions, duties, and responsibilities [as Regional Director] which [required acts constituting] practice of law."⁵¹ Considering that Atty. Baliga claimed that he did not perform his functions as Regional Director which required the practice of law, the Office of the Bar Confidant recommended that the Commission on Human Rights be required to comment on this claim. The Office of the Bar Confidant also recommended holding in abeyance the resolution of Atty. Baliga's motion to lift suspension "pending [the Commission on Human Right's filing of comment]."⁵²

In the resolution⁵³ dated January 12, 2011, this court held in abeyance the resolution of Atty. Baliga's motion to lift one-year suspension. The Commission on Human Rights was ordered to comment on Atty. Baliga's claim that he did not practice law while he held his position as Regional Director.

In its comment⁵⁴ dated April 6, 2011, the Commission on Human Rights reiterated that the penalty imposed on Atty. Baliga as a member of the bar is separate from the penalty that might be imposed on him as Regional Director. The Commission added that it is "of honest belief that the position of [Regional Director] is managerial and does not [require the practice of law]."⁵⁵ It again manifested that it will "abide by whatever ruling or decision [this court] arrives on [the] matter."⁵⁶

The issue for our resolution is whether Atty. Baliga's motion to lift order of suspension should be granted.

We find that Atty. Baliga violated this court's order of suspension. We, therefore, suspend him further from the practice of law for six months.

Practice of law is "any activity, in or out of court, which requires the application of law, legal procedure, knowledge, training and experience."⁵⁷ It includes "[performing] acts which are characteristics of the [legal]

⁴⁹ Id. at 570.

⁵⁰ Id. at 594-600.

⁵¹ Id. at 600.

⁵² Id.

⁵³ Id. at 602-603.

⁵⁴ Id. at 612-617.

⁵⁵ Id. at 615.

⁵⁶ Id.

⁵⁷ *Cayetano v. Monsod*, 278 Phil. 235, 243 (1991) [Per J. Paras, En Banc].

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profession”⁵⁸ or “[rendering any kind of] service [which] requires the use in any degree of legal knowledge or skill.”⁵⁹

Work in government that requires the use of legal knowledge is considered practice of law. In *Cayetano v. Monsod*,⁶⁰ this court cited the deliberations of the 1986 Constitutional Commission and agreed that work rendered by lawyers in the Commission on Audit requiring “[the use of] legal knowledge or legal talent”⁶¹ is practice of law.

The Commission on Human Rights is an independent office created under the Constitution with power to investigate “all forms of human rights violations involving civil and political rights[.]”⁶² It is divided into regional offices with each office having primary responsibility to investigate human rights violations in its territorial jurisdiction.⁶³ Each regional office is headed by the Regional Director who is given the position of Attorney VI.

Under the Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses, and the Provision of CHR Assistance,⁶⁴ the Regional Director has the following powers and functions:

- a. To administer oaths or affirmations with respect to “[Commission on Human Rights] matters;”⁶⁵
- b. To issue mission orders in their respective regional offices;⁶⁶
- c. To conduct preliminary evaluation or initial investigation of human rights complaints in the absence of the legal officer or investigator;⁶⁷
- d. To conduct dialogues or preliminary conferences among parties and discuss “immediate courses of action and protection remedies and/or possible submission of the matter to an alternative dispute

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ 278 Phil. 235 (1991) [Per J. Paras, En Banc].

⁶¹ Id. at 244.

⁶² CONSTI., art. XIII, sec. 18 (1); *Cariño v. Commission on Human Rights*, G.R. No. 96681, December 2, 1991, 204 SCRA 483, 494 [Per J. Narvasa, En Banc].

⁶³ GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE, rule 4, sec. 7.

⁶⁴ This set of guidelines was approved in April 2012. Available at <http://www.chr.gov.ph/MAIN%20PAGES/about%20us/PDF/FINAL_APPROVED_8.31.2012.pdf> (visited March 21, 2014).

⁶⁵ GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE, rule 3, sec. 1(n)

⁶⁶ GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE, rule 3, sec. 4.

⁶⁷ GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE, rule 4, sec. 6.

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resolution”;⁶⁸

e. To issue Commission on Human Rights processes, including notices, letter-invitations, orders, or subpoenas within the territorial jurisdiction of the regional office;⁶⁹ and

f. To review and approve draft resolutions of human rights cases prepared by the legal officer.⁷⁰

These powers and functions are characteristics of the legal profession. Oaths and affirmations are usually performed by members of the judiciary and notaries public⁷¹ — officers who are necessarily members of the bar.⁷² Investigating human rights complaints are performed primarily by the Commission’s legal officer.⁷³ Discussing immediate courses of action and protection remedies and reviewing and approving draft resolutions of human rights cases prepared by the legal officer require the use of extensive legal knowledge.

The exercise of the powers and functions of a Commission on Human Rights Regional Director constitutes practice of law. Thus, the Regional Director must be an attorney — a member of the bar in good standing and authorized to practice law.⁷⁴ When the Regional Director loses this authority, such as when he or she is disbarred or suspended from the practice of law, the Regional Director loses a necessary qualification to the position he or she is holding. The disbarred or suspended lawyer must desist from holding the position of Regional Director.

This court suspended Atty. Baliga from the practice of law for one year on June 15, 2006, “effective immediately.”⁷⁵ From the time Atty. Baliga received the court’s order of suspension on July 5, 2006,⁷⁶ he has been without authority to practice law. He lacked a necessary qualification to his position as Commission on Human Rights Regional Director/Attorney VI. As the Commission on Human Rights correctly resolved in its resolution dated January 16, 2007:

⁶⁸ GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE, rule 4, sec. 9.

⁶⁹ GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE, rule 4, sec. 11.

⁷⁰ GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE, rule 4, sec. 17.

⁷¹ ADMINISTRATIVE CODE OF 1987, book I, chap. 10, sec. 41.

⁷² CONSTI., Art. VIII, sec. 7; REVISED ADMINISTRATIVE CODE OF 1917, book I, title IV, chap. 11, art. I, sec. 233.

⁷³ GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE, rule 4, sec. 6.

⁷⁴ RULES OF COURT, rule 138, sec. 1.

⁷⁵ *Rollo*, p. 254.

⁷⁶ *Id.* at 418.

WHEREAS, this suspension under ethical standards, in effect, prevents Atty. Baliga from assuming his post, for want of eligibility in the meantime that his authority to practice law is suspended. This is without prejudice to the investigation to be conducted to the practice of law of Atty. Baliga, which in the case of all Regional Human Rights Directors is not generally allowed by the Commission;

WHEREFORE, in the light of the foregoing, the Commission on Human Rights of the Philippines resolved to put into effect and implement the legal implications of the SC decision by decreeing the suspension of Atty. Jimmy P. Baliga in the discharge of his functions and responsibilities as Director/Attorney VI of CHRP-Region II in Tuguegarao City for the period for which the Supreme Court Resolution is in effect.⁷⁷ (Emphasis in the original)

In ordering Atty. Baliga suspended from office as Regional Director, the Commission on Human Rights did not violate Atty. Baliga's right to due process. First, he was only suspended after investigation by the Commission on Human Rights Legal and Investigation Office.⁷⁸ Second, the Commission gave Atty. Baliga an opportunity to be heard when he filed his motion for reconsideration.

Atty. Baliga's performance of generally managerial functions was not supported by the record. It was also immaterial. He held the position of Commission on Human Rights Regional Director because of his authority to practice law. Without this authority, Atty. Baliga was disqualified to hold that position.

All told, performing the functions of a Commission on Human Rights Regional Director constituted practice of law. Atty. Baliga should have desisted from holding his position as Regional Director.

Under Section 27, Rule 138 of the Rules of Court, willful disobedience to any lawful order of a superior court is a ground for disbarment or suspension from the practice of law:

SEC. 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefor. — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

⁷⁷ Id. at 323.

⁷⁸ Id. at 298.

In *Molina v. Atty. Magat*,⁷⁹ this court suspended further Atty. Ceferino R. Magat from the practice of law for six months for practicing his profession despite this court's previous order of suspension.

We impose the same penalty on Atty. Baliga for holding his position as Regional Director despite lack of authority to practice law.

We note that the Commission on Human Rights En Banc issued the resolution dated April 13, 2007, reconsidering its first resolution suspending Atty. Baliga as Regional Director/Attorney VI. Instead, the Commission admonished Atty. Baliga and sternly warned him that repeating the same offense will cause his dismissal from the service. The resolution with CHR (III) No. A2007-045 dated April 13, 2007 reads:

In his Motion for Reconsideration dated March 15, 2007, respondent Atty. Jimmy P. Baliga prays before the Honorable Commission to recall and annul his suspension as Regional Director/Attorney VI of the Commission on Human Rights – Regional Office No. II, per 16 January 2007 Commission en Banc Resolution CHR (III) No. A2007-013.

The grounds relied upon the motion are not sufficient to convince the Commission that Atty. Jimmy P. Baliga is totally blameless and should not suffer the appropriate penalty for breach of the Code of Professional Responsibility and his Lawyer's oath.

The Commission, in the exercise of its authority to discipline, is concerned with the transgression by Atty. Baliga of his oath of office as government employee. As records have it, the Commission granted Atty. Baliga authority to secure a commission as a notary public. With this, he is mandated to act as a notary public in accordance with the rules and regulations, to include the conditions expressly set forth by the Commission.

With the findings clearly enunciated in the Supreme Court resolution in SC Administrative Case No. 5277 dated 15 June 2006, the Commission cannot close its eyes to the act of Atty. Baliga that is clearly repugnant to the conduct of an officer reposed with public trust.

This is enough just cause to have this piece of word, short of being enraged, and censure Atty. Baliga for having contravened the conditions of his commission as a notary public. What was granted to Atty. Baliga is merely a privilege, the exercise of which requires such high esteem to be in equal footing with the constitutional mandate of the Commission. Clearly, Atty. Baliga should keep in mind that the Commission exacts commensurate solicitude from whatever privilege the Commission grants of every official and employee.

The Commission notes that by now Atty. Baliga is serving the one

⁷⁹ A.C. No. 1900, June 13, 2012, 672 SCRA 1 [Per J. Mendoza, Third Division].



year suspension imposed on him pursuant to the Supreme Court resolution. The Commission believes that the further suspension of Atty. Baliga from the office may be too harsh in the meantime that the Supreme Court penalty is being served. This Commission is prevailed upon that the admonition of Atty. Baliga as above expressed is sufficient to complete the cycle of penalizing an erring public officer.

WHEREFORE, the Commission hereby modifies its ruling in Resolution CHR (III) No. A2007-013 and imposes the penalty of admonition with a stern warning that a repetition of the same will merit a penalty of dismissal from the service.⁸⁰ (Emphasis in the original)

The Commission on Human Rights erred in issuing the resolution dated April 13, 2007. This resolution caused Atty. Baliga to reassume his position as Regional Director/Attorney VI despite lack of authority to practice law.

We remind the Commission on Human Rights that we have the exclusive jurisdiction to regulate the practice of law.⁸¹ The Commission cannot, by mere resolutions and other issuances, modify or defy this court's orders of suspension from the practice of law. Although the Commission on Human Rights has the power to appoint its officers and employees,⁸² it can only retain those with the necessary qualifications in the positions they are holding.

As for Atty. Baliga, we remind him that the practice of law is a "privilege burdened with conditions."⁸³ To enjoy the privileges of practicing law, lawyers must "[adhere] to the rigid standards of mental fitness, [maintain] the highest degree of morality[,] and [faithfully comply] with the rules of [the] legal profession."⁸⁴

WHEREFORE, we further **SUSPEND** Atty. Jimmy P. Baliga from the practice of law for six (6) months. Atty. Baliga shall serve a total of one (1) year and six (6) months of suspension from the practice of law, effective upon service on Atty. Baliga of a copy of this resolution.

SERVE copies of this resolution to the Integrated Bar of the Philippines, the Office of the Bar Confidant, and the Commission on Human Rights.

SO ORDERED.

⁸⁰ *Rollo*, pp. 407-408.

⁸¹ CONST., art. VIII, sec. 5 (5).

⁸² CONST., art. XIII, sec. 18 (10).

⁸³ *Foronda v. Atty. Guerrero*, 516 Phil. 1, 3 (2006) [Per J. Callejo, Sr., En Banc].

⁸⁴ *Id.*

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MARVIC MARIO VICTOR F. LEONEN
Associate Justice

WE CONCUR:



DIOSDADO M. PERALTA
Associate Justice
Chairperson



MARTIN S. VILLARAMA, JR.
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice