



Republic of the Philippines
Supreme Court
Manila

EN BANC

ATTY. WILFREDO M. A.C. No. 13842
GARRIDO, JR., (Formerly CBD Case No. 18-5810)
Complainant,

Present:

- versus -

ATTY. LORENZO G.
GADON, *Respondent.*

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

Promulgated:

May 21, 2024

X -----  ----- X

DECISION

PER CURIAM:

This resolves the administrative Complaint¹ filed before the Integrated Bar of the Philippines – Commission on Bar Discipline (IBP-CBD) by

¹ *Rollo*, pp. 2–9. The administrative complaint, captioned as “*Complaint*,” was docketed as CBD Case No. 18-5810.

complainant Atty. Wilfredo M. Garrido, Jr. (Garrido, Jr.) against respondent Atty. Lorenzo G. Gadon (Gadon).

1.

Garrido, Jr. seeks the disbarment of Gadon for allegedly: (1) engaging in falsehoods in an impeachment complaint filed by the latter before the House of Representatives in August 2017 and (2) filing baseless criminal cases against several Supreme Court employees. The particulars behind these allegations were summarized by the IBP-CBD as follows:²

[Gadon] filed [before the House of Representatives] an *Impeachment Complaint* dated August 2, 2017 against [then *de facto*] Chief Justice Maria Lourdes Sereno [(Sereno)]. In his verification, he swore that the allegations therein [were] “*true and correct of his personal knowledge or based on authentic documents.*”

In the *Impeachment Complaint*, [Sereno] purportedly falsified a Temporary Restraining Order [(TRO)] of the Supreme Court in G.R. No. 206844-45, by tampering and altering the contents of the draft TRO sent by [Associate] Justice [Teresita] [Leonardo-De Castro], [(Justice De Castro)] and pursuant thereof, issued a “*blanket TRO.*”

During the hearing before the House Committee on Justice on November 22, 2017, Gadon disclosed that it was Manila Times reporter Jomar Canlas [(Canlas)], who confirmed the said information with [Justice De Castro]. He admitted that it was not based on his personal knowledge but rather from a secondary source. He likewise admitted that he has not seen the “*draft TRO*” nor a copy of the “*blanket TRO*” issued by [Sereno].

On the same day, Justice De Castro issued a statement categorically denying [Gadon’s] claim.

On November 27, 2017, [Canlas] also denied, under oath that Justice De Castro was his source or that he disclosed such to [Gadon].

It was also raised in the [*Impeachment*] *Complaint* that [Sereno] instructed a Supreme Court official to call Judges Juanita Guerrero, Amelia Fabros-Corpuz, and Patria Manalastas-De Leon, to order them not to issue warrants of arrest against the accused Senator Leila De Lima in connection with the Information filed against the latter.

However, two of the above-mentioned Judges categorically denied the allegations before the Justice Committee during the hearing on February 19, 2017 [sic].

In a Press Conference on February 22, 2018, [Gadon] made a statement that “[*i*]f CJ Sereno does not resign by March 1, 2018, he will file criminal charges against other Supreme Court officials.” [Garrido, Jr.] cited:

² *Id.* at 92–93.

“Talagang idadamay ko lahat. This will be the end of their careers. Lahat ng pinaghirapan, lahat mawawala. Yan ay mangyayari dahil sa katigasan ng ulo ni Sereno.”

[Garrido, Jr.] asserts that [Gadon] knows for a fact that the criminal cases he threatens to file are groundless. [Gadon] himself claims that he will file such cases because of [Sereno’s] stubbornness, and not because these criminal cases are meritorious.

In an interview, however, [Sereno] said that she will never resign. Hence, on March 12, 2018, [Gadon] filed graft charges against several court officials.

In retort, Gadon filed an Answer³ downplaying the allegations against him for being vague and unsubstantiated. Gadon maintains that the complaint failed to provide “*a clear and concise statement of facts*” that he violated any norm of legal ethics.⁴ He also argued that the claim that he made perjurious statements in the impeachment complaint is not valid since Garrido, Jr. himself was never present in any of the impeachment hearings conducted by the House Committee on Justice.⁵

2.

On August 4, 2022, after due proceedings, the IBP-CBD issued a Report and Recommendation⁶ endorsing the suspension of Gadon from the practice of law for two years with warning, viz.:⁷

WHEREFORE, the above premises carefully considered, [Gadon] is hereby recommended to be meted a penalty of SUSPENSION from the practice of law FOR TWO (2) YEARS, with STERN WARNING that any similar act shall be dealt with more severity.

The penalty of disbarment is not recommended as there is nothing in the records that shows that this is not his first offense, that is, there is no allegation of previous offense/penalty imposed on [Gadon].

RESPECTFULLY RECOMMENDED.

The IBP-CBD found Gadon’s accusation that then Chief Justice Sereno falsified a TRO of the Supreme Court in G.R. Nos. 206844-45 was unequivocally shown, during a hearing of the House Committee on Justice, to have been based on mere hearsay.⁸ For relying on hearsay in making an accusation, the IBP-CBD held that Gadon may be considered to have “*knowingly executed a false [v]erification.*”⁹ The IBP-CBD reminded that to

³ *Id.* at 100–108.

⁴ *See id.* at 103.

⁵ *See id.* at 101.

⁶ *Id.* at 202–232. The Report and Recommendation was signed by Commissioner Teresita D. Castillon-Lora.

⁷ *Id.* at 232.

⁸ *See id.* at 223–229.

⁹ *Id.* at 230.

support his impeachment complaint, Gadon executed a verification wherein he swore that the allegations of said complaint were only based on his “*personal knowledge*” or “*authentic records*.”¹⁰

Anent the accusation that Gadon filed baseless cases against several Supreme Court officials, on the other hand, the IBP-CBD found the same to have not been substantiated by the evidence of Garrido, Jr.¹¹ Hence, the IBP-CBD imposed no penalty on Gadon in relation to such charge.

On January 28, 2023, the Integrated Bar of the Philippines - Board of Governors (IBP-BOG) issued a Resolution¹² modifying to three years the recommended period of suspension from the practice of law of Gadon:

RESOLUTION NO. CBD-XXV-2023-01-64

RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner, after noting that the infraction was aggravated by recidivism on the part of [Gadon], [he also] appears to be lying under oath, and likewise taking into account the previous recommendations of the Board of Governors to mete out sanctions against him in CBD Case No. 09-2479, CBD Case No. 15-4649, CBD Case No. 15-4695 [Adm. Case No. 11277] and CBD Case No. 18-5751, and the recent directive of the Supreme Court placing [Gadon] under indefinite suspension until further orders from the Court, to recommend instead to impose upon [Gadon] ...the penalty of SUSPENSION from the practice of law for THREE (3) YEARS, to be served in succession with the other penalties earlier recommended, if so affirmed by the Supreme Court.¹³

Hence, this administrative case.

OUR RULING

The Court modifies the recommendation of the IBP-BOG.

Gadon Committed Perjury in the Verification in his Impeachment Complaint

We agree with the finding of the IBP-CBD that Gadon committed perjury in the verification of his impeachment complaint¹⁴ against Sereno, a former *de facto* Chief Justice of the Supreme Court.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 200–201. The Notice of Resolution was signed by IBP National Secretary Doroteo Lorenzo B. Aguila.

¹³ *Id.* at 200.

¹⁴ *Id.* at 12–64.



During the November 22, 2017 hearing of the House Committee on Justice, it was revealed that one of the allegations in the impeachment complaint—*i.e.*, that the then Chief Justice Sereno falsified a TRO of the Supreme Court in G.R. Nos. 206844-45¹⁵—was not based on Gadon's personal knowledge or on any authentic records. Worse, it was further uncovered that such allegation was only founded on hearsay or based merely on what Gadon was told by a journalist. This is attested by the Records of Proceedings for the said hearing no less:

....
REP. LEACHON. Because for so long a time, I've been wondering how these things all happen that's why we have this hearing, Atty. Gadon.

MR. GADON. Yes, Your Honor.

REP. LEACHON. Yeah, I worked with ... I worked actually with ... at the Supreme Court for about four years of my life during the time that I was at my law school. *Ang trabaho dyan...pagka* well of course they will have their meeting division or [en] banc and then, of course, it is a [collegial] body and they will meet and they will agree on a certain point before the issuance of a resolution. *Yung pinagkukwento mo doon sa mga... sa complaint mo na ... na merong desisyon iyong en banc, may desisyon iyong division meron nang napagkasunduan tapos iba and lalabas sa resolusyon.* Those are internal matters, Atty. Gadon, of which no other party except members of the Supreme Court would have knowledge as to the occurrence of such meeting and as to the decision.

So, as for you to conclude, later on, that if the resolution that was released was entirely different from the decision that was reached by the en banc or by the division at *nagkakaroon nga ng* falsification in the sense that the group actually participated in an event of which *iba ang nangyari pagkatapos* and under the Revised Penal Code that is actually falsification.

*Ang tanong ko lang kanina pa, ito'y nasa loob paano mo nalaman?
Sino nagsabi sa iyo?*

MR. GADON. *Your Honor, I first read it in the newspaper.*

REP. LEACHON. Yeah, yeah,

MR. GADON. *And then I asked the reporter himself to explain to me the incident.*

REP. LEACHON. *Who's that?*

MR. GADON: *The reporter, Your Honor.*

REP. LEACHON. Okay.

MR. GADON. And then, I inquired also with some of the employees of the... at the Supreme Court, Your Honor, and then I learned about it. And then...

¹⁵ *Id.* at 22.

REP. LEACHON. Who.... Who are those coming from the Supreme Court that you were able to talk with?

MR. GADON. I cannot recall.

REP. LEACHON. Are you sure?

MR. GADON. Because

REP. LEACHON. Because they should be covered by the compulsive power [of] this Committee in order to substantiate your claim that there was actually falsification that actually happened.

MR. GADON. Well, the best... the best resource person would be [Justice Teresita De Castro] herself, Your Honor.

REP. LEACHON. Did you talk with her?

MR. GADON. Through a friend, Your Honor.

REP. LEACHON. Did you talk with her?

MR. GADON. Yes, Your Honor, through a...

REP. LEACHON. No, no, you just tell this Committee, did you talk with her?

MR. GADON. No, Your Honor. Not directly, Your Honor.

REP. LEACHON. There must be some problem here. How about the reporter?

MR. GADON. I talked to her, Your Honor... ah, to him, Your Honor.

REP. LEACHON. *To him. And who is that reporter?*

MR. GADON. *It's Jomar Canlas, Your Honor.*

REP. LEACHON. *Ang sabi niya kinausap niya si Justice De Castro?*

MR. GADON. *Nakausap niya, Your Honor. And then the other friend, Your Honor, who is talking to her, Your Honor, in my behalf, is not only Jomar Canlas, Your Honor.*

....

REP. FORTUN. . . . On the allegation, Mr. Chairman, under 4.2 which says that [Chief Justice Sereno] committed a culpable violation of the Constitution when she falsified the Temporary Restraining Order of the Supreme Court in G.R. [Nos.] 206844-45. There is an allegation that Justice De Castro recommended the issuance of a [TRO] and, in fact, sent a draft of the order to office of [Chief Justice Sereno]. But earlier, Mr. Chairman, Atty. Gadon already admitted that his source of information as far as these allegations are concerned, is one Jomar Canlas.

May I ask the good Atty. Gadon, Mr. Chairman, that... whether or not he agrees that, as far as his source of information is concerned, this allegation is not based on personal knowledge but rather from a secondary source? Just "yes" or "no", Sir.

MR. GADON. *From a secondary source.*

REP. FORTUN. Yes. From a secondary source.

MR. GADON. That was confirmed later on when I investigated and asked for an agreement with... based on authentic records and... based on authentic records that was released and based on my... on the... based on my... on the based on the reliable information that [Justice De Castro]...

REP. FORTUN. Okay.

MR. GADON. ...confirmed the report and that Justice De Castro confirmed that she will appear to testify on it.

....
REP. FORTUN. Atty. Gadon, when you say that your allegation, although coming from a secondary source, was confirmed.

MR. GADON. Yes, Your Honor.

REP. FORTUN. ...Okay... to whom did Justice De Castro confirm this, to you or to some other person?

MR. GADON. To some other person, Your Honor, reliable person, Your Honor.

REP. FORTUN. In other words, that confirmation is again a secondary source...

MR. GADON. Yes, Your Honor. Yes, Your Honor.

REP. FORTUN. *...not a personal knowledge? Now since you don't have personal knowledge on this allegation because you already admitted that this is coming from a secondary source, let's go to, probably another source of information which you can use as basis. This would be the authentic documents and that would establish whether or not there has been falsification in this case.*

You mentioned about a draft of the order to the office of [Chief Justice Sereno], may I know if this draft is attached to the complaint?

MR. GADON. *No, Your Honor.*

REP. FORTUN. *Do you have any draft in your possession right now?*

MR. GADON. *No, Your Honor.*

REP. FORTUN. In other words, the allegation that there is a draft sent to the office of [Chief Justice Sereno] is not based on authentic records?

MR. GADON. No, Your Honor, but it can be confirmed by the...by Justice De Castro.

REP. FORTUN. We're talking about now, 'no. When you made this allegation in your complaint, is the supposed authentic record in this case, the draft of the order sent to the office of [Chief Justice Sereno], was that already available when you made this allegation?

MR. GADON. It was already available, Your Honor. However, the Clerk of Court failed to give it to me...

REP. FORTUN. Yeah, yeah, I understand.

MR. GADON. ...saying that it's not available yet.

.....
REP. FORTUN. In other words, the draft may be existing but you haven't seen it, you haven't read it?

MR. GADON. Yeah, I haven't seen it. Yes.

.....
REP. FORTUN. Thank you, Mr. Chairman.

So again, it is already admitted that, at the time the allegation regarding a draft sent to the Office of the Supreme Court Justice, I mean, Chief Justice, was not based on authentic records because the supposed authentic record at that time . . . was not yet in the possession of the complainant. Is that admitted, Mr. Chairman?

MR. GADON. Yes.¹⁶ (Emphasis supplied)

Gadon thus committed perjury in the Verification¹⁷ attached to his impeachment complaint. In the said Verification, Gadon gave a sworn guarantee that the "*allegations in the [impeachment] complaint [were] true and correct of [his] personal knowledge or based on authentic records.*"¹⁸ However, as the evidence on record promptly exposed, this guarantee had been inaccurate, if not an outright lie.

Meanwhile, Gadon never did proffer any explanation, much less give any valid excuse, for making an accusation in the impeachment complaint that is not based on his personal knowledge or on authentic records. In his submissions before the IBP-CBD,¹⁹ Gadon limited himself to challenging the legitimacy of the instant administrative complaint in view of Garrido, Jr.'s supposed lack of personal knowledge apropos the charges therein, and due to the eventual ouster of Sereno as Chief Justice in *Republic v. Sereno*.²⁰ None of these challenges, of course, have any merit. As aptly dissected by the IBP-CBD:

¹⁶ *Id.* at 132–134, 161–164.

¹⁷ *Id.* at 65.

¹⁸ *Id.*

¹⁹ *Id.* at 100–108, 168–180.

²⁰ 831 Phil. 271, 526–528 (2018) [Per J. Tijam, *En Banc*].

In his Position Paper, [Gadon] countered that “[Garrido, Jr.] does not have any personal knowledge of his accusations against Gadon considering that he [(Garrido, Jr.)] was never present in any of those cited instances. [Gadon] overlooked the fact that personal knowledge is only one of the bases for declaring as true and correct the allegations in a complaint. [Garrido, Jr.], in the Verification of his Complaint, declared under oath, that:

3. The allegations contained therein are true and correct of my own personal knowledge and/or subject of judicial knowledge, and/or on the basis of authentic records . . .

and that authentic record of the proceedings in the House of Representatives Committee on Justice was presented by the [Garrido, Jr.] in this proceedings, at [Gadon’s] instance.

[Gadon] also countered that “[t]he questioned acts attributed to [Gadon] in relation to the said impeachment proceedings are now considered moot and academic since [Sereno] had already been ousted as Chief Justice of the Supreme Court,” unmindful of the fact that it is not the impeachment case and the resulting ousting of the then Chief Justice that is being considered here. It is what was found out by the legislators who interrogated [Gadon]. . . about his false claims in the impeachment case, which he himself filed.

Further, [Gadon’s] claim by way of defense that “[t]he Supreme Court Decision and Resolution in *Republic v. Sereno*, G.R. No. 237428 . . . prove that the statements made by [him]. . . in his [i]mpeachment [c]omplaint against [Sereno] are basically true,” however, [Gadon] failed to substantiate this.

Finally, [Gadon] countered that there is “[n]o iota of evidence to support the disbarment charges . . . [Garrido, Jr.] has nothing but mere assertions and conjectures.” For this, we reiterate that authentic record of the proceedings in the House of Representatives Committee on Justice was presented by the [Garrido, Jr.] in [these] proceedings, at [Gadon’s] instance.²¹ (Citations omitted)

It should be pointed out that the case of *Republic v. Sereno* never directly inquired into the issue of whether Sereno did in fact falsify a TRO. The said case is a *quo warranto* action that naturally focused on acts or omissions committed by Sereno *prior to or at the time of her appointment* that affected her qualifications to hold the position of Chief Justice.²² Hence, in that case, the Court ordered the ouster of Sereno as Chief Justice mainly due to her failure to submit the required Statements of Assets, Liabilities and Net Worth during the nomination proceedings held by the Judicial and Bar Council (JBC).²³ Such failure, according to the Court, meant that Sereno had not been able to prove that she is a person of proven integrity during the

²¹ *Roilo*, pp. 229–230.

²² *See Republic v. Sereno*, 831 Phil. 271 (2018) [Per J. Tijam, *En Banc*].

²³ *See id.* at 493–496, 528.

nomination proceedings which, in turn, makes her nomination by the JBC and, her eventual appointment as Chief Justice, null and void.²⁴

Yet, as the discussion moved to Sereno's lack of proven integrity, the Court in the same case cited certain dishonest acts committed by Sereno *during her incumbency* that have been supposedly revealed during the hearings of the House of Representatives. The Court noted that while the acts committed by Sereno during her incumbency are not "*proper subjects of the . . . quo warranto petition*,"²⁵ they were nonetheless cited to confirm Sereno's lack of integrity at the time of her nomination and appointment as Chief Justice.²⁶ One of the cited acts was Sereno's purported issuance of "a [TRO] in [G.R. Nos. 206844-45] [that is] *contrary to the Supreme Court's internal rules and [which] misrepresented that [it] was issued upon the recommendation of the Member-in-charge*."²⁷

Be that as it may, *Republic v. Sereno* is still not exculpatory of Gadon:

1. To begin with, the quoted statement in *Republic v. Sereno* cannot be considered as an unequivocal finding that Sereno falsified a TRO of the Court. As aforesaid, the Court in *Republic v. Sereno* did not pass upon the issue of Sereno's falsification of any TRO. The case itself was very clear that, since it is a *quo warranto* proceeding, its inquiry is limited merely to acts or omissions committed by Sereno prior to or at the time of her appointment.²⁸
2. As intimated by the Court in *Republic v. Sereno*, the dishonest acts of Sereno cited therein were only sourced from the "*Congressional hearings on the impeachment*"²⁹ which unmistakably pertains to those conducted by the Committee on Justice of the House of Representatives. However, it must be pointed out that the proceedings before the Committee on Justice only culminated with its recommendation approving the Articles of Impeachment against Sereno.³⁰ In other words, the findings of the Committee on Justice were also never meant to be considered as a final determination of whether the dishonest acts mentioned there were in fact committed by Sereno. At most, they may only be considered as preliminary and subject to further confirmation in an impeachment trial before the Senate, had the House of Representatives plenary warranted so.

At any rate, even if Sereno may be considered to have issued an illegal TRO, the same will still not excuse the fact that Gadon made an accusation in

²⁴ See *id.* at 493-496.

²⁵ *Id.* at 502.

²⁶ *Id.*

²⁷ *Id.* at 501.

²⁸ See *id.* at 420.

²⁹ *Id.* at 502.

³⁰ Press and Public Affairs Bureau, House Panel Oks Impeachment vs. Sereno, March 19, 2018, available at <https://www.congress.gov.ph/press/details.php?pressid=10581&key=sereno> (last accessed January 18, 2024).

an impeachment complaint that—as to him—was supported only by hearsay. In accusing Sereno of falsifying a TRO without personal knowledge or any supporting evidence, Gadon essentially ventured on a fishing expedition before the House of Representatives. This deplorable act certainly cannot be countenanced, lest the filing of similar or worse suits before the courts and other government agencies be encouraged. As an erstwhile member of the bar, Gadon is expected to practice utmost prudence and responsibility in the preparation of his pleadings whether filed before the courts or otherwise. Notwithstanding the eventual findings of the House Committee on Justice, what remains clear is that Gadon nonchalantly devalued the significance of the Verification attached to his impeachment complaint. In *Park v. Choi*,³¹ it was reminded:

Verification is not an empty ritual or a meaningless formality. *Its import must never be sacrificed in the name of mere expedience or sheer caprice. For what is at stake is the matter of verity attested by the sanctity of an oath to secure us assurance that the allegations in the pleading have been made in good faith, or are true and correct and not merely speculative.*³² (Citations omitted, emphasis supplied)

Nonetheless, Gadon deserves to be cleared with respect to the charge that he “waged a campaign of harassment against other civil servants”³³ by filing baseless cases against several Supreme Court officials. Like the IBP-CBD, we find the charge unsupported by the evidence on record. While Garrido, Jr. was able to submit news articles³⁴ to the effect that Gadon threatened and then filed graft cases against certain Supreme Court officials and employees, the same—by themselves—do not prove that the reported cases filed were, in fact, baseless or frivolous.

Administrative Liability of Gadon

Gadon’s acts of making an accusation based on hearsay and committing perjury in his Verification violated Section 11 of Canon II of the Code of Professional Responsibility and Accountability (CPRA):³⁵

SECTION 11. False Representations or Statements; Duty to Correct.
— *A lawyer shall not make false representations or statements. A lawyer shall be liable for any material damage caused by such false representations or statements.*

A lawyer shall not, in demand letters or other similar correspondence, make false representations or statements, or impute civil, criminal, or administrative liability, without factual or legal basis.

A lawyer shall correct false or inaccurate statements and information made in relation to an application for admission to the bar, any pleading,

³¹ 544 Phil. 431 (2007) [Per J. Carpio-Morales, Second Division].

³² *Id.* at 439.

³³ *Rollo*, p. 7.

³⁴ *Id.* at 80-87.

³⁵ A.M. No. 22-09-01-SC, April 11, 2023.

or any other document required by or submitted to the court, tribunal or agency, as soon as its falsity or inaccuracy is discovered or made known to him or her. (Emphasis supplied)

Gadon's breach of the foregoing provision gives rise to liability for Gross Misconduct. In *Spouses Donato v. Asuncion*,³⁶ we defined Gross Misconduct as:

...any *inexcusable, shameful or flagrant unlawful conduct* on the part of a person concerned in the administration of justice which is prejudicial to the rights of the parties or to the right determination of the cause. *Such conduct is generally motivated by a premeditated, obstinate or intentional purpose.* (Emphasis supplied, citation omitted)

In *Lampas-Peralta v. Ramon*,³⁷ we distinguished Gross Misconduct from Simple Misconduct as follows:

The misconduct is [gross] if it involves any of the *additional elements of corruption, willful intent to violate the law, or to disregard established rules*, which must be established by substantial evidence. *As distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in a charge of [gross] misconduct.*³⁸ (Emphasis supplied, citations omitted).

Gadon's act fits the definition of Gross Misconduct. The evidence reveals that Gadon acted in *bad faith*. He *knew* that he never had any personal knowledge nor any authentic document to support the accusation that Sereno falsified a TRO of the Court. Yet, despite such prior knowledge, Gadon still included the said accusation in his verified impeachment complaint and, as such, attempted to lend a semblance of credibility to his unfounded accusation. This act not only deceived the House of Representatives, but also revealed an intent to inflict unnecessary harm to the reputation of a lawyer and former member of this Court. These, to our mind, confirms that Gadon, in lodging such an accusation, was motivated by a malicious intent to malign and defame Sereno. The case of *Republic v. Sereno* and the preliminary findings of the House Committee on Justice did not justify Gadon's actuation. We thus entertain no doubt that Gadon's misconduct is marked with a definite degree of *moral depravity* on his part.

Furthermore, we find Gadon's cavalier approach towards the verification requirement in impeachment complaints—a requirement demanded by the Constitution no less³⁹—demonstrative of a *propensity to disregard procedural norms in pursuit of one's own personal agenda*. Gadon's behavior indicates a lack of respect for the process of impeachment, using the same as a mere tool to advance his personal agenda rather than as

³⁶ 468 Phil. 329, 335–336 (2004) [Per J. Sandoval-Gutierrez, Third Division].

³⁷ 848 Phil. 277, 286 (2019) [Per Curiam, En Banc].

³⁸ *Id.* at 286.

³⁹ See CONST., art. XI, sec. 3(2).

an avenue to air genuine and legitimate grievances against the highest officials of the land.

Under the CPRA, Gross Misconduct is categorized as a Serious Offense.⁴⁰ Section 37 of Canon VI of the same code, on the other hand, prescribes that a Serious Offense may be sanctioned by one or any combination of the following penalties: (1) disbarment; (2) suspension from the practice of law for a period exceeding six months; (3) revocation of notarial commission and disqualification as notary public for not less than two years; and/or (4) a fine exceeding PHP 100,000.00. The particular penalty or penalties that may be imposed in any given case is, in turn, influenced by the established facts as well as the presence of any modifying circumstances in accordance with Section 39 of Canon VI of the CPRA.⁴¹

Here, we find the existence of two aggravating circumstances against Gadon. The first circumstance pertains to the fact that Gadon is a repeat offender.⁴² In *In Re: Atty. Lorenzo G. Gadon's Viral Video Against Raissa Robles*,⁴³ Gadon was already found guilty of violating the CPRA and was meted the ultimate penalty of disbarment from the practice of law. In *Felix v. Gadon*,⁴⁴ on the other hand, Gadon was fined in the amount of PHP 150,000.00 after he was again found guilty of an infraction that otherwise would have merited disbarment.

The second aggravating circumstance relates to his lack of remorse. Despite being confronted with undeniable evidence that he levied an accusation in an impeachment complaint based on mere hearsay, Gadon still refused to acknowledge that he did anything wrong. Rather than displaying regret, he instead exhibited arrogance by brazenly asserting that *Republic v. Sereno* had somehow substantiated all his allegations against Sereno and, therefore, excused any misconduct on his part.⁴⁵ Up to this point, Gadon has shown a complete lack of understanding for the wrong he did.

Given the above considerations, we find the IBP-BOG's recommended penalty of suspension from the practice of law for three years as *not* commensurate with the misconduct of Gadon.

⁴⁰ See CODE OF PROF. RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 33(a).

⁴¹ **SECTION 39. Manner of Imposition.** — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. The Supreme Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under the CPRA.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

⁴² See CODE OF PROF. RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 38(b)(1).

⁴³ A.C. No. 13521, June 27, 2023 [*Per Curiam, En Banc*].

⁴⁴ A.C. No. 13253, February 27, 2024 [*Per Curiam, En Banc*].

⁴⁵ See *rollo*, p. 174.

As highlighted in the preceding discussions, Gadon's actions transcend mere ethical violations. His conduct not only flouted ethical standards but also denigrated the integrity of the impeachment process, a constitutional mechanism intended for addressing the gravest offenses against the State. Allowing such behavior to go unchecked would send a dangerous message that anyone, much more a lawyer, can initiate impeachment complaints based on hearsay without serious repercussions. Certainly, Gadon's behavior cannot be countenanced and demands nothing less but the strongest condemnation from the Court. *Therefore, considering the nature of his misconduct, as well as the obtaining aggravating circumstances, the Court finds that Gadon deserves to be meted the penalty of disbarment.*

It is true that, in view of the Gadon's previous disbarment, the above penalty of disbarment can no longer be imposed and may only be recorded in his personal file. Canon VI, Section 42 of the CPRA instructs:

SECTION 42. Penalty When the Respondent Has Been Previously Disbarred. — When the respondent has been previously disbarred and is subsequently found guilty of a new charge, the Court may impose a fine or order the disbarred lawyer to return the money or property to the client, when proper. *If the new charge deserves the penalty of a disbarment or suspension from the practice of law, it shall not be imposed but the penalty shall be recorded in the personal file of the disbarred lawyer in the Office of the Bar Confidant or other office designated for the purpose.* In the event that the disbarred lawyer applies for judicial clemency, the penalty so recorded shall be considered in the resolution of the same. (Emphasis supplied)

Nevertheless, the Court, "*pursuant to [its] power to regulate the conduct of lawyers prior to their disbarment,*"⁴⁶ can still impose the penalty of fine against previously disbarred lawyers. As was aptly illustrated in the *Felix* case.⁴⁷

Considering that Atty. Gadon had already been meted the ultimate penalty of disbarment, aside from recording the infraction in his personal file, a fine of PHP 150,000.00 is imposed on Atty. Gadon, pursuant to the Court's power to regulate the conduct of lawyers prior to their disbarment. The pronouncement of the Court in *Valmonte v. Quesada, Jr.* is clear:

But while the Court can no longer impose the penalty upon the disbarred lawyer, it can still give the corresponding penalty only for the sole purpose of recording it in his personal file with the Office of the Bar Confidant (OBC), which should be taken into consideration in the event that the disbarred lawyer subsequently files a petition to lift his disbarment.

In addition, *the Court may also impose a fine upon a disbarred lawyer found to have committed an offense prior to his/her disbarment as the Court does not lose its exclusive jurisdiction over other offenses committed by a disbarred lawyer while*

⁴⁶ *Felix v. Gadon*, A.C. No. 13253, February 27, 2024 [*Per Curiam, En Banc*].

⁴⁷ *Id.*

he/she was still a member of the Law Profession. In fact, by imposing a fine, the Court is “able to assert its authority and competence to discipline all acts and actuations committed by the members of the Legal Profession.” (Emphasis in the original; citations omitted)

Accordingly, the Court hereby imposes a fine in the amount of PHP 150,000.00 against Gadon.

Lastly, the Court is compelled to declare Gadon *ineligible for judicial clemency*.⁴⁸ In *Office of the Provincial Prosecutor of Cavite v. Atty. Mas*,⁴⁹ an erring lawyer was declared ineligible for judicial clemency on account of his “*earlier disbarment and being a repeat offender*,” viz.:

Notably, this Court had already imposed upon respondent the ultimate penalty of disbarment in *Stemmerik*. While indeed his condemnable acts in this case merit the penalty of disbarment, the Court cannot disbar him anew for in this jurisdiction We do not impose double disbarment. The reason is obvious: “[o]nce a lawyer is disbarred, there is no penalty that could be imposed regarding his privilege to practice law.”

Nonetheless, while the Court can no longer impose the penalty upon the disbarred lawyer, it can still give the corresponding penalty only for the sole purpose of recording it in his personal file with the Office of the Bar Confidant (OBC), which should be taken into consideration in the event that the disbarred lawyer subsequently files a petition for reinstatement.

ACCORDINGLY, respondent Leonuel N. Mas is hereby found GUILTY of violating his oath of office, the Lawyer's Oath, and the Code of Professional Responsibility and Accountability, which warrants the imposition of the maximum penalty of disbarment. However, considering that he has already been previously disbarred, the penalty of disbarment anew can no longer be imposed. *Nonetheless, in view of his earlier disbarment and being a repeat offender, he is adjudged to be ineligible for judicial clemency.* (Emphasis supplied).

Gadon deserves the same fate. This case marks the third time that Gadon has been found guilty of an administrative offense deserving of disbarment from the practice of law. Gadon's repeated serious infractions of the CPRA betray his utter lack of respect—if not understanding—of the ethical standards demanded by the legal profession. Under the circumstances, and by case law, Gadon may be deemed to have forfeited his right to re-enter the profession whose norms he had repeatedly shown contempt for. Accordingly, Gadon is adjudged ineligible for judicial clemency.

ACCORDINGLY, the Court finds respondent Lorenzo G. Gadon GUILTY of Gross Misconduct which is punishable by **DISBARMENT**. However, in view of his disbarment in *In Re: Atty. Lorenzo G. Gadon's Viral Video Against Raissa Robles*, the said penalty shall no longer be imposed but

⁴⁸ See *Office of the Provincial Prosecutor of Cavite v. Atty. Mas*, A.C. No. 8219, August 29, 2023 [Per J. Dimaampao, *En Banc*].

⁴⁹ *Id.*

shall nevertheless be recorded in his personal file pursuant to Canon VI, Section 42 of the Code of Professional Responsibility and Accountability. Accordingly, and in view of his previous disbarment, a **FINE** in the amount of **PHP 150,000.00** is imposed upon the respondent, which shall be paid within a period not exceeding three months from receipt of this Decision in accordance with Canon VI, Section 41 of the Code of Professional Responsibility and Accountability. He is further directed to submit to this Court proof of payment within 10 days from said payment.

Moreover, in view of his earlier disbarment and being a repeat offender, the respondent is adjudged **INELIGIBLE FOR JUDICIAL CLEMENCY**.

Let copies of this Decision be furnished to the Office of the Bar Confidant, to be appended to the respondent's personal record as a member of the Bar; the Integrated Bar of the Philippines; the Office of the Court Administrator, for dissemination to all courts throughout the country for their information and guidance; and the Department of Justice.

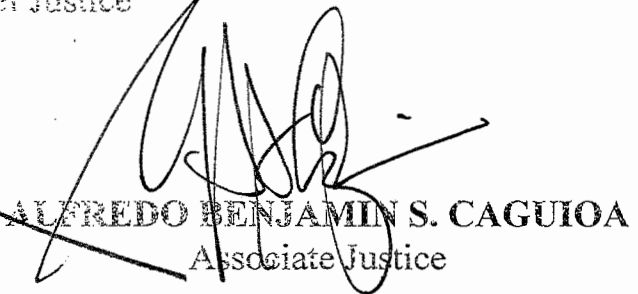
This Decision is immediately executory.

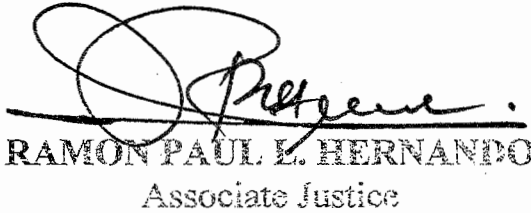
SO ORDERED.



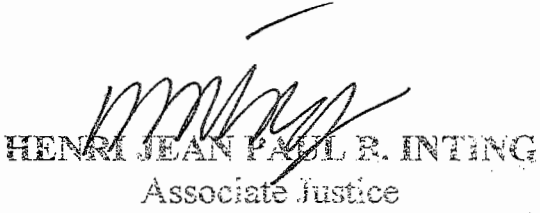

ALEXANDER G. GESMUNDO
Chief Justice

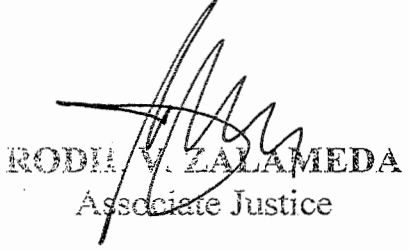

MARVIC M.V.F. LEONEN
Associate Justice

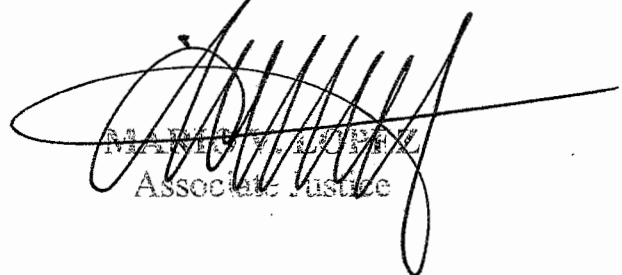

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

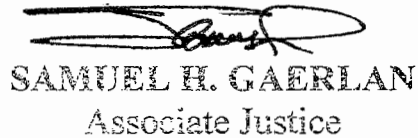

RAMON PAUL E. HERNANDO
Associate Justice

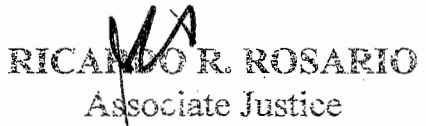

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL R. INTING
Associate Justice

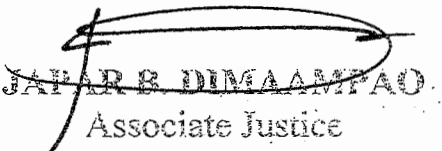

RODIL V. ZALAMEDA
Associate Justice

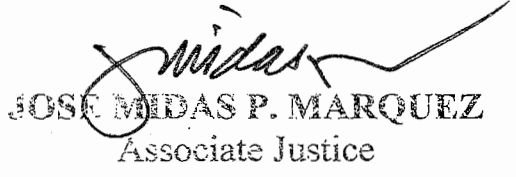

MARIVIC LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

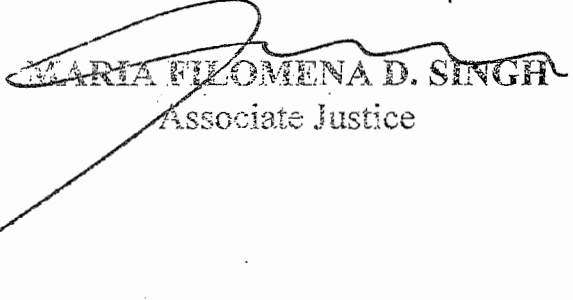

RICARDO R. ROSARIO
Associate Justice


JOSE V. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KITO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice