



DIGEST HANDBOOK



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DIGEST HANDBOOK

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FOREWORD

We present the product of three years' worth of our experience in UST Law Review's Jurisprudence Team. This handbook, the first of its kind, codifies the practices, rules, and guidelines we used in creating and editing case digests. This is intended for UST Law Review, as a uniform set of rules in making digests either for publication or any other compilation.

We believe that a good case digest is an amalgamation of substance and form. Thus, we strived to provide scholastic rules on both aspects, and exemplify the same through sample case digests for every Bar subject.

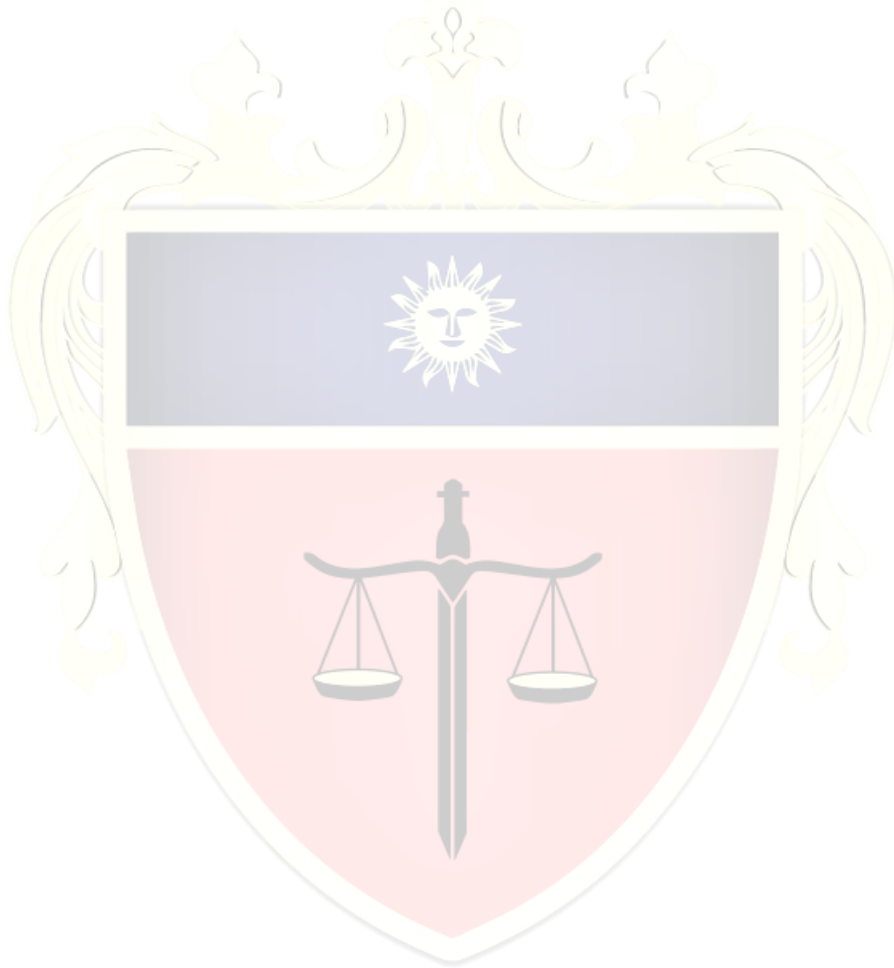
May this serve all ~~slaves~~ lovers of the law.

ALARICE and ARELLA

TABLE OF CONTENTS

FORMAL ASPECT	1
SUBSTANTIVE ASPECT.....	12
COMMON PROVISIONS.....	13
POLITICAL LAW	14
LABOR LAW.....	15
CIVIL LAW	16
TAXATION LAW	17
COMMERCIAL LAW.....	18
CRIMINAL LAW.....	19
REMEDIAL LAW	20
LEGAL AND JUDICIAL ETHICS	21
ANNEXES.....	22
SAMPLE CASE DIGEST FOR POLITICAL LAW.....	23
SAMPLE CASE DIGEST FOR LABOR LAW	27
SAMPLE CASE DIGEST FOR CIVIL LAW	29
SAMPLE CASE DIGEST FOR TAXATION LAW	31
SAMPLE CASE DIGEST FOR COMMERCIAL LAW	34
SAMPLE CASE DIGEST FOR CRIMINAL LAW	37
SAMPLE CASE DIGEST FOR REMEDIAL LAW.....	39
SAMPLE CASE DIGEST FOR LEGAL AND JUDICIAL ETHICS.....	42

FORMAL ASPECT



CASE DIGESTS

COMMON PROVISIONS

- (1) Font Style:
 - a. Garamond, should the case digests be incorporated in the journal.
 - b. Cambria, should the case digests be published online.
- (2) Font Size:
 - a. 11.5, should the case digest be incorporated in the journal.
 - b. 11, should the case digest be published online.
- (3) Line Spacing:
 - a. General Rule: 1.15
 - b. Exception: 1.0 for Title of the Case
- (4) Paragraph Spacing:
 - a. After each subheading (DOCTRINE OF THE CASE, FACTS, ISSUE, and RULING):
Remove Spaces Before and After Paragraph then click Enter once.
 - b. After every paragraph (contents of each subheading): Remove Spaces Before and After Paragraph then click Enter twice.
- (5) Alignment:
 - a. General Rule: Justified
 - b. Exception: Center Alignment for Title of the Case
- (6) Every single paragraph shall be indented.
- (7) There is no colon after each subheading. All subheadings must be in all caps and in boldface.

CASE DIGESTS

SPECIFICATIONS

A. The Title of the Case

- (a) Main Title: The main title of the case shall be in all caps and in boldface.
- (b) Parties:
- (i) If the case involves parties who or which are too numerous to enumerate, take the complete name of the first person indicated as the petitioner and/or respondent, and then add the words *et al.* thereafter.
- It is emphasized that the ‘et al.’ shall be italicized.
- (ii) Remove the words “petitioner/s,” “respondent/s,” “private respondent/s,” “appellant/s,” “appellee/s” from the title.
- (c) Versus: The ‘versus’ shall be shortened to ‘v.’
- It is emphasized that the ‘v.’ shall be italicized and shall not be in boldface.
- There shall be no comma before the “v.”
- (d) Sub-title: This structure shall be followed:
- G.R. Number, Date, Division, Ponente
- (e) General Register (G.R.):
- (i) If the case involves two consolidated petitions, the title as well as its corresponding G.R. Nos. and dates shall be separated.

Example:

SHANGRI-LA PROPERTIES, INC. v. BF CORPORATION
G.R. Nos. 187552-53, 15 October 2019, *EN BANC* (Bersamin, C.J.)

BF CORPORATION v. SHANGRI-LA PROPERTIES, INC. et al.
G.R. Nos. 187608-09, 15 October 2019, *EN BANC* (Bersamin, C.J.)

- (ii) If there are more than two consolidated petitions, take the G.R. Numbers of the second, third (etc.) cases and combine these in the sub-title. Use commas and the ampersand.

Example:

MAYNILAD WATER SERVICES, INC. v. SECRETARY OF DENR
G.R. Nos. 202897, 206823 & 207969, 06 August 2019, *EN BANC* (Hernando, J.)

- (f) Date: The date shall be in this specific format: dd mm yyyy
- (g) Division:
- (i) The division of the Supreme Court whence the case was promulgated shall be in boldface and italicized.
- (ii) Should the case be a Resolution, indicate the same after the specification of the division or *En Banc*, as the case may be. It shall likewise be in boldface and italicized.

Example:

SISTER PILAR VERSOZA v. PEOPLE OF THE PHILIPPINES, et al.
G.R. No. 184535, 03 September 2019, *EN BANC RESOLUTION* (*Per Curiam*)

- (h) Ponente:
- (i) The name of the ponente shall not be in all caps and shall be enclosed in open and close parentheses.

It is emphasized that the 'J.' after the ponente's name shall be italicized.

- (ii) Should the case be penned by the Chief Justice of the Supreme Court of the Philippines, the proper abbreviated form is ‘C.J.’ and not merely ‘CJ’.
- (iii) Should the case be written *per curiam*, the same designation shall be used. Both words shall be italicized.
- (iv) Should there be no indication of the ponente, the same shall be omitted from the subtitle.

Example:

**PEOPLE OF THE PHILIPPINES *v.*
RYAN ZANORIA y ARCEO and MEL RICHARD SENO y ABELLANA
G.R. No. 226396, 02 December 2019, *THIRD DIVISION RESOLUTION***

B. The Doctrine of the Case

- (a) The doctrine shall be italicized.
- (b) The legal basis and its application to the facts of the case shall be cited in separate paragraphs.

C. The Facts of the Case

- (a) As much as possible, the case shall be presented chronologically.
- (b) Omit details and information which are considered irrelevant to the case.

Examples:

1. TCT No. 1168059
2. Lot Nos. 4 and 5
3. Docket numbers, if any (Civil Case No. 71075 or Criminal Case No. 061313)
4. Branch number of the lower courts (Regional Trial Court of Manila, Branch 55)

If the date is relevant to the case (e.g. for the purposes of reckoning the prescriptive period), follow this format: mm/dd/year.

- (c) The terms ‘petitioner’, ‘respondent’ etc. shall not be used in referring to the parties in the case. The proper names of the parties shall be indicated, followed by the abbreviated designation, enclosed in open and close parentheses.

Examples:

1. Spouses Eustaquio and Petra Sambas (Spouses Sambas)
2. Atty. Gari Tiongco (Atty. Tiongco)

- (d) If the parties are so numerous that it would be verbose to refer to them using each of their designated names, they may be alluded throughout the whole case digest by their proper collective name.

Example:

Alarice Reyes, Arella Natimesia Dy, Rani Aberin, and Arche de los Santos (Alarice Reyes, *et al.*)

- (e) In the first instance, the full designation of the judicial courts should be mentioned followed by the abbreviation enclosed in parentheses. In the subsequent instances, use the abbreviated form.

Examples:

The Regional Trial Court (RTC) held that

The Court of Appeals (CA) affirmed the RTC Decision.

- (f) The rule in the immediately preceding paragraph is also applicable to other administrative tribunals and quasi-judicial entities which are involved in the case.

Examples:

1. National Labor Relations Commission (NLRC)
 2. Land Bank of the Philippines (Land Bank)
 3. Regional Trial Court-Special Agrarian Court (RTC-SAC)
- (g) The ruling of each of the lower and appellate courts shall be separated into different paragraphs, unless each ruling can be expressed in one sentence each. In the latter case, all rulings can be consolidated in a single paragraph.
- (h) As to criminal cases, the general rule is that as much as possible, only the version of the prosecution shall be laid down in the facts. Dispense with the version of the defense, unless such is extensively discussed by the Supreme Court in the ruling, or when such version is the basis of the Supreme Court's ruling.

D. The Issue/s of the Case

- (a) Should there be only one issue presented in the case, numbering is dispensed with. The question shall be posed as it is.

Example:

Did Gallo's petition involve a substantive change under Rule 103 of the Rules of Court instead of mere correction of clerical errors?

- (b) Should there be more than two issues, the numbering shall be enclosed in open and close parentheses.

Example:

(1) Did the CA gravely err when it denied the claims of BFC for variation works it was compelled to perform upon the instructions of SLPI?

(2) Did the CA erroneously disregard the agreement between BFC and SLPI when it denied BFC reimbursement for damages done to its works by the nominated sub-contractors of SLPI?

(3) Did the CA gravely err when it denied BFC's claim for fire damage and repair works?

(4) Did the CA gravely err when it held that for purposes of computing interest, the fixed and provisional attendances as well as the unpaid progress billings on the original scope of work were reasonably ascertainable only from the date of the Arbitral Tribunal's decision?

(c) In no case shall the issue/s be phrased in "whether or not" format. Instead, the issue/s shall be constructed in question form answerable by 'yes' or 'no'.

(d) Be mindful of the number of the issues in the case and the proper usage of the singular or plural form of ISSUE. In no case shall the designation of this subheading be "ISSUE/S."

E. The Ruling of the Case

(a) **YES** or **NO** shall be in all caps and in boldface.

(b) Should there be enumerations incorporated in the ruling, there shall be no space between paragraphs. Indent the same to clearly distinguish the enumeration from the preceding paragraphs. Place semi-colons after every item, add the word "and" or "or," as the case may be, before the last item in the list, then put a period after the last item.

(i) The document number format used shall be (a) (b) (c), and so on.

Example:

The elements of the crime of *infanticide* are:

- (a) a child was killed;
- (b) that the deceased child was less than three days old; and
- (c) that the accused killed the child.

(ii) If there are sub-enumerations, the document number format used shall be (i) (ii) (iii), and so on.

Example:

Section 21, Article II of Republic Act No. 9165 requires that:

(a) seized items be inventoried and photographed immediately after seizure or confiscation; and

(b) physical inventory and photographing must be done in the presence of:

(i) the accused or his/her representative or counsel,

(ii) an elected public official,

(iii) a representative from the media, and

(iv) a representative from the Department of Justice (DOJ), all of whom shall be required to sign the copies of the inventory and be given a copy thereof.

- (c) Refer to the Supreme Court in the third person. Use “Supreme Court” or “Court.” Refrain from using “this Court.” Remove the words “Our” or “We.”
- (d) Be mindful of the following: *(emphasis and italics supplied)*, *(underscoring supplied)*, *(citations omitted)*, xxx, and words of similar import. These locutions of the Supreme Court in citing relevant jurisprudence or statutes shall be omitted.
- (e) Superscripts shall be removed to avoid the appearance of copying and pasting cases from online law libraries such as Chan Robles Virtual Law Library, The Lawphil Project and The Supreme Court E-Library, among others.
- (f) Block quotes cited by the Supreme Court which is to be incorporated in the digest shall be indented only on the left side, whereas the alignment of the right side shall be retained.

Example:

This privilege stems from the recognition of the President's vast and significant functions which can be disrupted by court litigations. As the Court explained in *Rubrico v. Macapagal-Arroyo, et al.*:

It will degrade the dignity of the high office of the President, the Head of State, if he can be dragged into court litigations while serving as such. Furthermore, it is important that he be freed from any form of harassment, hindrance or distraction to enable him to fully attend to the performance of his official duties and functions. Unlike the legislative and judicial branch, only one constitutes the executive branch and anything which impairs his usefulness in the discharge of the many great and important duties imposed upon him by the Constitution necessarily impairs the operation of the Government.

Accordingly, in *David*, the Court ruled that it was improper to implead former President Gloria Macapagal-Arroyo in the petitions assailing the constitutionality of Presidential Proclamation No. 1017, where she declared a state of national emergency, and General Order No. 5, where she called upon the AFP and the Philippine National Police (PNP) to prevent and suppress acts of terrorism and lawless violence in the country.

- (g) When citing provisions of the law, follow these guidelines:

Constitution

The Constitution is cited by reference to section, paragraph, and article in the first instance.

Examples:

Section 5, paragraph 5, Article VIII of the 1987 Constitution

Section 1, paragraph 1, Article VI of the 1973 Constitution

In subsequent instances, any provision of the Constitution may be cited as follows:

Examples:

Sec. 5(5), Art. VIII of the 1987 Constitution

Sec. 1, par. 1, Art. VI of the 1973 Constitution

If the Constitution itself provides for the enumeration or designation of the paragraphs, the first example shall be followed; otherwise, the second example shall be observed.

Codes

As a general rule, cite the code name, legislation type and number with amendment if applicable, article number or section number.

Examples:

Civil Code, R.A. 386 as amended, art. 10.

Family Code, E.O. 209 as amended.

Statutes

For the initial citation of statutes cite the subdivision, statute number and the short title and year.

Examples:

Section 21, Article II of the Republic Act No. 9165 (R.A. No. 9165) otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

Subsequent citation for statutes: {subdivisions} {abbreviated statute number}.

Example:

Sec. 21, Art. II of R.A. No. 9165

Cases

{Case Name}

Example:

Tatad *v.* Garcia, Jr.

SUBSTANTIVE ASPECT



POLITICAL LAW

LABOR LAW

CIVIL LAW

TAXATION LAW

COMMERCIAL LAW

CRIMINAL LAW

REMEDIAL LAW

LEGAL AND JUDICIAL ETHICS

COMMON PROVISIONS

DOCTRINE OF THE CASE

The doctrine of the case should be composed of two aspects:

- (a) Legal basis; and
- (b) Application to facts.

Ideally, these two components should be contained in one paragraph each.

To determine whether the legal basis is the doctrine of the case, the test is the following: “Was this the basis of the Supreme Court’s ruling?”

FACTS

Except in the digest of cases under Criminal Law, include at least one (1) paragraph each for the petitioner/s’ and respondent/s’ arguments. If intervenors merely echo the arguments, omit the discussion thereof.

ISSUE

Except in the digest of cases under Remedial Law, issues may either be procedural or substantive, or both.

RULING

Follow this format:

- (a) Answer/s to the issue/s in a yes or no format;
- (b) Legal basis; and
- (c) Application to the facts.

The discussion as to the constitutionality, applicability or non-applicability of the provisions should be reflected in the ruling.

If the Supreme Court cited a plethora of similar cases, pick one case which best conveys the doctrine and omit the rest.

If the Supreme Court overrules an established doctrine, cite the old case and the corresponding doctrine, then state the new doctrine.

POLITICAL LAW

INTRODUCTION

Political Law is concerned with the study of the 1987 Constitution; structure, set-up and hierarchy of the Philippine Government; qualifications, restrictions, prohibitions and accountability of public officers; constitutional provisions relating to the Bill of Rights; citizenship and the right of suffrage; administrative agencies; conduct of elections and the law on pre-proclamation and election contests; municipal corporations; Local Government Code of 1991; principles of international law and international relations.

COVERAGE

- (a) Constitutional Law I;
- (b) Constitutional Law II;
- (c) Administrative Law, Law on Public Officers & Election Law;
- (d) Public Corporations; and
- (e) Public International Law.

DOCTRINE OF THE CASE

As to the legal basis, the relevant provisions of the Constitution, Local Government Code, Administrative Code, Omnibus Election Code and related laws, principles of international law, or established legal principles and doctrines should be specified.

As to the application of facts, the applicability or non-applicability of the legal basis to the parties in the present case or to the issue at hand should be shown. Carefully select the paragraph wherein the Supreme Court concisely discussed this.

FACTS

Focus on the factual background of the case giving rise to the ultimate arguments of the parties (e.g., upcoming elections, revolutionary events, facts indicative of violations of Bill of Rights).

ISSUE

As to procedural issues, these may contain a discussion of how the case reached the Supreme Court (e.g., was the resort from administrative bodies or direct resort to the Supreme Court proper?).

These may also contain a discussion of whether the case complies with the four requisites for judicial review (e.g., actual case or controversy, *locus standi*, *lis mota* of the case, raised at the earliest opportunity), as well as the exceptions (e.g., doctrine of transcendental importance).

Dispense with the procedural discussion, unless this is the ultimate reason for the dismissal of the case.

As to substantive issues, focus on those assailing or attacking constitutional provisions, denying applicability to the petitioners.

RULING

Considering that cases under political law are lengthy, in no way should the digest of the case be less than two paragraphs.

LABOR LAW

INTRODUCTION

Labor Law pertains to the study of the Labor Code of the Philippines; minimum standards of employment, working conditions, employment benefits; all other laws related thereto; land reform program of the government; State Insurance Fund; labor organizations, unfair labor practices, collective bargaining and administration agreement; grievance machinery and voluntary arbitration; strikes and lockouts; termination of employment.

COVERAGE

- (a) Labor Standards;
- (b) Labor Relations; and
- (c) Agrarian Laws and Social Legislation.

DOCTRINE OF THE CASE

As to the legal basis, the relevant provisions of the Labor Code, relevant rules and regulations, special laws on social welfare legislations (e.g., SSS Law, GSIS Law, Limited Portability Law etc.) and other related legal principles and doctrines should be specified.

As to the application of facts, the applicability or non-applicability of the legal basis to the parties in the present case or to the issue at hand should be shown. Carefully select the paragraph wherein the Supreme Court concisely discussed this.

FACTS

Focus on the factual background of the case giving rise to the ultimate arguments of the parties (e.g., existence of the employee/employer relationship; recruit and placement; conditions of employment; exercise of management prerogative, unfair labor practices, peaceful concerted activities).

The ruling of the Labor Arbiter, National Labor Relations Commission, and Court of Appeals shall be included and concisely summarized under separate paragraphs.

ISSUE

As to procedural issues, these may be generally dispensed with, unless they are the ultimate reason for the dismissal of the case.

As to substantive issues, should there be multiple issues laid down in the case, select the topic/s which the Supreme Court lengthily discussed and addressed in its ruling. Should every issue be interconnected, include them all.

CIVIL LAW

INTRODUCTION

Civil Law covers the study of effect and application of laws; law on human relations; marriage and property relations; nature, kinds, effects and extinguishment of obligations; requisites, forms, interpretation of contracts; kinds of property, nature of ownership and its modifications; contract of sales, obligations of buyer and seller, concept of warranties, remedies, breach; loans and deposits; mortgages, pledge, antichresis, guaranty, sureties and other securities and collaterals; testate and intestate succession, wills, heirs, disinheritance, partition and distribution of estate; laws on Agency, Partnership, and Trusts; choice of law, problems on jurisdiction, recognition and enforcement of foreign judgments; law on quasi-delicts; nature, classes and extent of damages; Property Registration Degree, etc.

COVERAGE

- (a) Persons and Family Relations;
- (b) Obligations and Contracts;
- (c) Property;
- (d) Sales and Lease;
- (e) Credit Transactions;
- (f) Wills & Succession;
- (g) Partnership, Agency and Trusts;
- (h) Conflict of Laws;
- (i) Torts and Damages; and
- (j) Land Titles and Deeds

DOCTRINE OF THE CASE

As to the legal basis, the relevant provisions of the New Civil Code, The Family Code, or established legal principles and doctrines should be specified.

As to the application of facts, the applicability or non-applicability of the legal basis to the parties in the present case or to the issue at hand should be shown. Carefully select the paragraph wherein the Supreme Court concisely discussed this.

FACTS

Focus on the factual background of the case giving rise to the ultimate arguments of the parties (e.g., celebration of marriage, breach of contracts, registration of land titles, non-fulfillment of obligations).

In cases where the time and date is material and relevant (e.g., retroactivity of laws, prescription et. al.), append them.

ISSUE

As to procedural issues, these may be generally dispensed with, unless they are the ultimate reason for the dismissal of the case.

As to substantive issues, should there be multiple issues laid down in the case, select the topic/s which the Supreme Court lengthily discussed and addressed in its ruling. Should every issue be interconnected, include them all.

TAXATION LAW

INTRODUCTION

Taxation Law focuses on general principles of taxation and statutory provisions and pertinent revenue regulations on income taxation; transfer taxes; business taxes; percentage taxes and other miscellaneous taxes provided for in the National Internal Revenue Code; taxation remedies.

COVERAGE

- (a) Tax Principles and Remedies;
- (b) Taxation Law I; and
- (c) Taxation Law II

DOCTRINE OF THE CASE

As to the legal basis, the relevant provisions of the National Internal Revenue Code (R.A. No. 8424 as amended by R.A. No. 10963), relevant revenue regulations, Local Government Code of 1991, Tariff and Customs Code or established legal principles and doctrines should be specified.

As to the application of facts, the applicability or non-applicability of the legal basis to the parties in the present case or to the issue at hand should be shown. Carefully select the paragraph wherein the Supreme Court concisely discussed this.

FACTS

Focus on the factual background of the case giving rise to the ultimate arguments of the parties (e.g., payment of taxes, filing of claim for refund, grant or denial of the claim, resort to judicial remedies).

In case one of the points of contention is the timeliness of administrative and judicial claims, include the relevant dates in the facts.

Dispense with protest numbers, docket numbers, and the like.

ISSUE

As to procedural issues, these may consist of a discussion of how the claimant filed administrative and/or judicial claims. Considering that this focuses on tax remedies, include procedural issues.

As to substantive issues, focus on the applicability or non-applicability of the specific provisions of tax laws or revenue regulations.

COMMERCIAL LAW

INTRODUCTION

Commercial Law pertains to statutory provisions governing negotiable instruments; Code of Commerce; carriers of persons and goods; Insurance Code and related laws; Laws on Trademark, Patent, Copyright and Intellectual Creation; Letter of Credit, Trust Receipts; New Central Bank; General Banking Law; Secrecy of Bank Deposits; Anti-Money Laundering Law; Financial Rehabilitation and Insolvency Law; Truth in Lending Act; Law on Extra-judicial Foreclosure of Real Estate Mortgage in relation to Banking Laws; Warehouse Receipts; Revised Corporation Code and other special laws governing private corporations; pertinent provisions of the Securities Regulation Code and Foreign Investments Act

COVERAGE

- (a) Negotiable Instruments Law;
- (b) Transportation Law;
- (c) Insurance;
- (d) Intellectual Property Law;
- (e) Special Commercial Laws; and
- (f) Corporation Law

DOCTRINE OF THE CASE

As to the legal basis, the relevant provisions of the Revised Corporation Code, Negotiable Instruments Law, Insurance Code, Intellectual Property Law, relevant provisions of the Code of Commerce, Special Commercial laws, or established legal principles and doctrines should be specified.

As to the application of facts, the applicability or non-applicability of the legal basis to the parties in the present case or to the issue at hand should be shown. Carefully select the paragraph wherein the Supreme Court concisely discussed this.

FACTS

Focus on the factual background of the case giving rise to the ultimate arguments of the parties (e.g., payment through bill of exchanges, order or bearer instruments; death or injuries involving carriers of passengers and/or goods; circumstances indicative of unfair competition or trademark infringement; intra-corporate controversies; cases involving rights and obligations of corporations and stockholders; transactions with foreign corporations).

ISSUE

As to procedural issues, these may be generally dispensed with, unless it is a discussion on the delineation of jurisdiction of the Regional Trial Court acting as a Special Commercial Court and the Securities and Exchange Commission in certain cases.

As to substantive issues, focus on the issues assailing or attacking provisions related to commercial law, denying applicability to the petitioners.

CRIMINAL LAW

INTRODUCTION

Criminal Law refers to the nature of felonies, stages of execution, circumstances affecting criminal liability, persons criminally liable, extent and extinction of criminal liability; Indeterminate Sentence Law, Probation law; Revised Penal Code; nature, elements and corresponding penalties of specific felonies enumerated in Book II of the Revised Penal Code; special penal laws.

COVERAGE

- (a) Criminal Law I;
- (b) Criminal Law II; and
- (c) Special Penal Laws.

DOCTRINE OF THE CASE

As to the legal basis, the relevant provisions of the Revised Penal Code, special penal laws, the penal provisions of any statutes, established legal principles and doctrines should be specified.

As to the application of facts, the applicability or non-applicability of the legal basis to the parties in the present case or to the issue at hand should be shown. Carefully select the paragraph wherein the Supreme Court concisely discussed this.

FACTS

Focus on the factual background leading to the commission of the crime.

Dispense with dates and time, unless these are relevant to the case.

As a general rule, only the prosecution's version should be mentioned and concisely discussed, provided that the defense's version is merely an alibi. However, if the Supreme Court ruled for the acquittal of the accused, the versions of both the prosecution and the defense shall be included.

ISSUE

Dispense with the procedural discussion, unless this is the ultimate reason for the acquittal of the accused.

As to substantive issues, focus on the question of whether the guilt of the accused was established beyond reasonable doubt as regards to the commission of the crime.

REMEDIAL LAW

INTRODUCTION

Remedial Law is concerned with the jurisdiction of courts; 2019 Revised Rules on Civil Procedure; ordinary civil actions, provisional remedies and special civil actions; 2000 Revised Rules on Criminal Procedure; conduct and procedure regarding criminal cases; 2019 Revised Rules on Evidence; rules of presentation, admissibility, weight and sufficiency of evidence, burden of proof and presumptions; Rules 72-109 of the Revised Rules of Court; settlement of estate, escheat, guardianship, trusteeship, adoption, change of name, cancellation and correction of entries, writs of habeas data, amparo, and habeas corpus; Alternative Dispute Resolution Act of 2004 and its Implementing Rules and Regulations.

COVERAGE

- (a) Civil Procedure;
- (b) Criminal Procedure;
- (c) Evidence;
- (d) Special Proceedings; and
- (e) Alternative Dispute Resolution

DOCTRINE OF THE CASE

As to the legal basis, the relevant provisions of the Rules of Court or established legal principles and doctrines should be specified.

As to the application of facts, the applicability or non-applicability of the legal basis to the parties in the present case or to the issue at hand should be shown. Carefully select the paragraph wherein the Supreme Court concisely discussed this.

FACTS

State the factual background of the case giving rise to the ultimate arguments of the parties. The focus, however, should be on the procedural steps taken by the parties from the lower courts or administrative bodies, appellate courts, up to the Supreme Court.

Chain of custody cases should be classified under Remedial Law, specifically under “Evidence”, under sub-topic “Object Evidence.” The discussion should include an overview of the buy-bust operation and the subsequent arrest. The focus should be on the marking, inventory, analysis of the specimen. In other words, the compliance or non-compliance with chain of custody rule should be reflected in the facts, and not divulged at the first instance in the ruling.

ISSUE

It is noted, however, that some cases are not purely remedial. Should that be the case, then two digests should be made involving the same case. One should be classified under remedial law, extracting the procedural issues and the corresponding discussion; another should be classified under the other appropriate Bar subject, citing the substantive issues and the corresponding discussion.

LEGAL AND JUDICIAL ETHICS

INTRODUCTION

Legal and Judicial Ethics focus on the canons of legal ethics involving the duties and responsibilities of the lawyer with respect to the public or society, the bar or legal profession, the courts and the client; Code of Professional Responsibility; Lawyer's Oath.

COVERAGE

- (a) Basic Legal Ethics; and
- (b) Problem Areas in Legal and Judicial Ethics

DOCTRINE OF THE CASE

As to the legal basis, the relevant provisions of the Code of Judicial Conduct, Code of Professional Responsibility, Canons of Professional Ethics, Canons of Judicial Ethics, any other related provisions in the Rules of Court, or established legal principles and doctrines should be specified.

As to the application of facts, the applicability or non-applicability of the legal basis to the parties in the present case or to the issue at hand should be shown. Carefully select the paragraph wherein the Supreme Court concisely discussed this.

FACTS

Focus on the factual background of the case giving rise to the ultimate arguments of the parties (violation of Lawyer's oath, unauthorized practice of law, conflict of interest, jurisdiction of notary public, conflict of interest, nonpayment of membership dues).

ISSUE

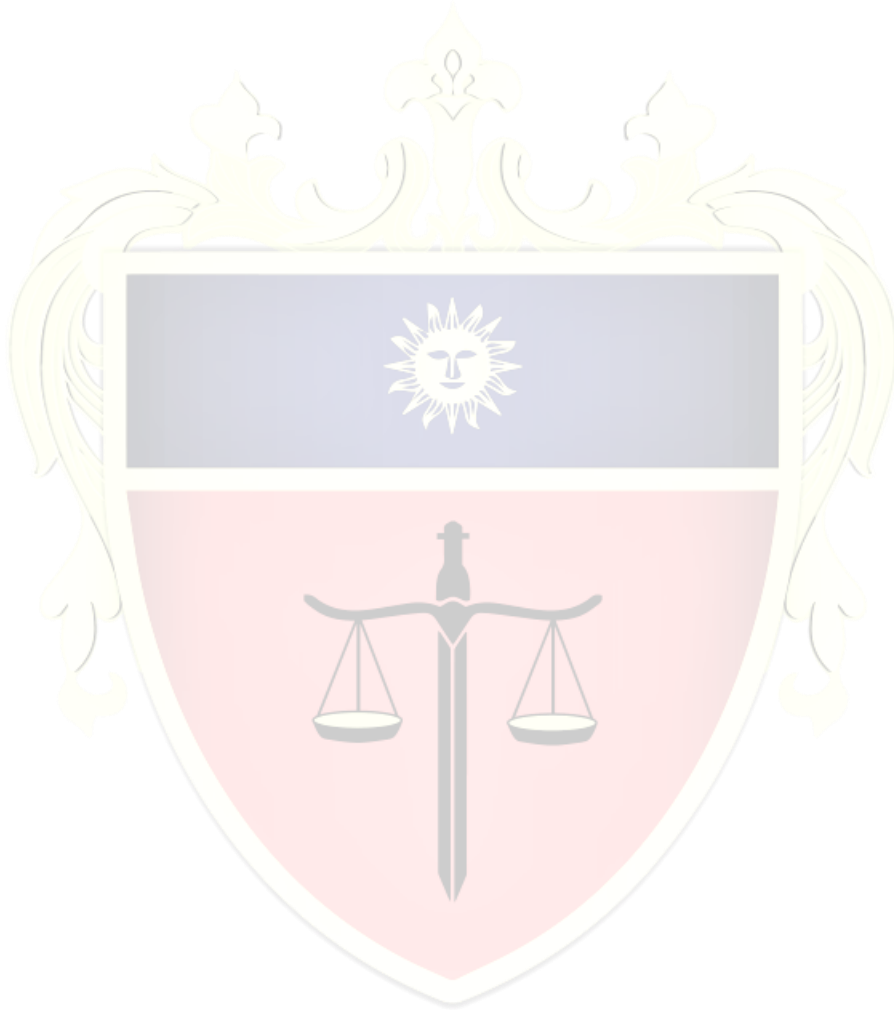
Dispense with the procedural discussion, unless this is the ultimate reason for the dismissal of the case.

As to substantive issues, focus on the particular violations committed by the lawyer/s involved in the case.

RULING

If the Supreme Court found the lawyer to be errant, always identify what kind of penalty the Supreme Court meted to the same, and what provisions of the law were violated.

ANNEXES



SAMPLE CASE DIGEST FOR POLITICAL LAW

JESUS NICARDO M. FALCIS III *v.* CIVIL REGISTRAR GENERAL

G.R. No. 217910, 03 September 2019, *EN BANC* (Leonen, J.)

DOCTRINE OF THE CASE

To be entertained by the Court, a facial challenge requires a showing of curtailment of the right to freedom of expression. In other words, it must be based on actual facts, sufficiently for a proper joinder of issues to be resolved. So when faced with speculations — situations that have not yet fully ripened into clear breaches of legally demandable rights or obligations — the Court shall refrain from passing upon the case. It is the parties' duty to demonstrate actual cases or controversies worthy of judicial resolution.

Here, Falcis has no actual facts that present a real conflict between the parties of this case. No factual antecedents existed prior to the filing of the Petition apart from the passage of the Family Code. Falcis has never applied for a marriage license. He has never even visited the premises of respondent's office, or of anyone acting under its authority. Falcis has never bothered to show that he himself acted in any way that asked respondent to exercise any kind of discretion. Indeed, no discretion was ever exercised by respondent. Without an exercise of discretion, there could not have been abuse of discretion, let alone one that could conceivably be characterized as "grave."

FACTS

Jesus Nicardo M. Falcis III (Falcis) filed *pro se* before the Supreme Court a Petition for *Certiorari* and Prohibition under Rule 65 of the 1997 Rules of Civil Procedure, seeking to "declare Articles 1 and 2 of the Family Code as unconstitutional and, as a consequence, nullify Articles 46 (4) and 55 (6) of the Family Code."

Falcis argues that his Petition complied with the requisites of judicial review. As to standing, he claims that his standing consisted in his personal stake in the outcome of the case, as he "is an open and self-identified homosexual" who alleges that the Family Code has a "normative impact" on the status of same-sex relationships in the country. He was also allegedly injured by the supposed "prohibition against the right to marry the same-sex," which prevents his plans to settle down in the Philippines.

Falcis justifies the direct recourse to the Supreme Court by citing, in addition to the alleged transcendental importance of the issues he raised, the supposed lack of need for trial concerning any factual issues. He also insists that the constitutionality of Articles 1 and 2 of the Family Code were the very *lis mota* of his case.

According to Falcis, a facial challenge on Articles 1 and 2 is permitted as these two (2) provisions regulate fundamental rights such as "the right to due process and equal protection, right to decisional and marital privacy, and the right to found a family in accordance with religious convictions." Because there is allegedly no necessity to limit marriage as only between a man and a woman, Articles 1 and 2 of the Family Code are supposedly unconstitutional for depriving Falcis of his right to liberty without substantive due process of law.

Finally, Falcis claims that Articles 1 and 2 of the Family Code deny the existence of "individuals belonging to religious denominations that believe in same-sex marriage" and that they have a "right to found a family in accordance with their religious convictions." He claims that the religious weddings conducted by these denominations have been denied civil recognition "unlike the religious convictions of Catholics and Muslims."

ISSUES

- (1) Does the mere passage of the Family Code create an actual case or controversy reviewable by the Court?
- (2) Does the self-identification of Jesus Nicardo M. Falcis III as a member of the LGBTQI+ community give him standing to challenge the Family Code?

RULING

(1) **NO.** The Petition before the Court does not present an actual case over which it may properly exercise its power of judicial review. Fundamentally, for the Court to exercise the immense power that enables it to undo the actions of the other government branches, the following requisites must be satisfied:

- (a) There must be an actual case or controversy involving legal rights that are capable of judicial determination;
- (b) The parties raising the issue must have standing or *locus standi* to raise the constitutional issue;
- (c) The constitutionality must be raised at the earliest possible opportunity, thus ripe for adjudication; and
- (d) The matter of constitutionality must be the very *lis mota* of the case, or that constitutionality must be essential to the disposition of the case.

In *Pimentel, Jr. v. Aguirre*, the Court fixed the point at which a legal issue matures into an actual case or controversy — at the pre-occurrence of an "overt act." By the mere enactment of the questioned law or the approval of the challenged action, the dispute is said to have ripened into a judicial controversy even without any other overt act. Indeed, even a singular violation of the Constitution and/or the law is enough to awaken judicial duty. In addition, the Court stated in *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, "[t]hat the law or act in question is not yet effective does not negate ripeness." This, however, is qualified by the requirement that there must be sufficient facts to enable the Court to intelligently adjudicate the issues.

Proceeding from this, the Petition cannot be entertained as a facial challenge to Articles 1, 2, 46 (4), and 55 (6) of the Family Code. A facial challenge is "an examination of the entire law, pinpointing its flaws and defects, not only on the basis of its actual operation to the parties, but also on the assumption or prediction that its very existence may cause others not before the court to refrain from constitutionally protected speech or activities." It is distinguished from "as-applied" challenges, which consider actual facts affecting real litigants. To be entertained by the Court, a facial challenge requires a showing of curtailment of the right to freedom of expression. In other words, it must be based on actual facts, sufficiently for a proper joinder of issues to be resolved.

LGBT discrimination has a long history and serves as a remnant of the colonial era when the most powerful nations used laws as mechanisms of control over morality and standards of behavior. This is not to say that there is a universal experience for the LGBTQI+ community. Therefore, any entity that attempts to speak for and on behalf of a diverse community must be able to adequately thread the needle in representation of them, assisting the Court's understanding with sufficient facts that would enable it to empower, and not further exclude, an already marginalized community.

Here, Falcis has no actual facts that present a real conflict between the parties of this case. All told, Falcis' 29-page initiatory pleading neither cites nor annexes any credible or reputable studies, statistics, affidavits, papers, or statements that would impress upon this Court the gravity of his purported cause.

Even Falcis' choice of respondent exposes the lack of an actual case or controversy. No factual antecedents existed prior to the filing of the Petition apart from the passage of the Family Code. Falcis has never applied for a marriage license. He has never even visited the premises of respondent's office, or of anyone acting under its authority. Falcis has never bothered to show that he himself acted in any way that asked respondent to exercise any kind of discretion. Indeed, no discretion was ever exercised by respondent. Without an exercise of discretion, there could not have been abuse of discretion, let alone one that could conceivably be characterized as "grave."

Limiting itself to four (4) specific provisions in the Family Code, the Petition prays that the Court "declare Articles 1 and 2 of the Family Code as unconstitutional and, as a consequence, nullify Articles 46 (4) and 55 (6) of the Family Code." However, should the Court rule as the Petition asks, there will be far-reaching consequences that extend beyond the plain text of the specified provisions.

A significant number of provisions under current marriage arrangements pertain to benefits to or burdens on a specific sex (and are therefore dependent on what is assigned at birth based on the appearance of external genitalia). As our current laws are confined to a heteronormative standard, they do not recognize the existence and specificities of other forms of intimacy.

Falcis would have the Court impliedly amend all such laws, through a mere declaration of unconstitutionality of only two (2) articles in a single statute. The Court cannot do what Falcis wants without arrogating legislative power unto itself and violating the principle of separation of powers.

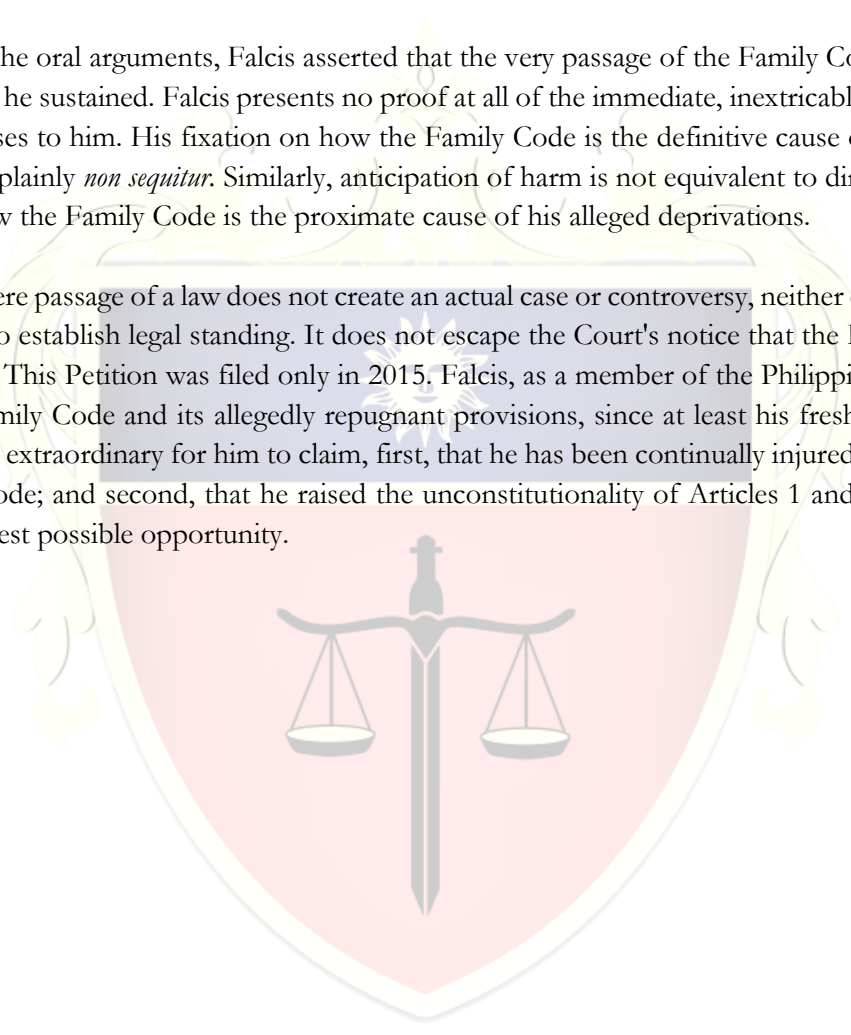
Consequently, the task of devising an arrangement where same-sex relations will earn state recognition is better left to Congress in order that it may thresh out the many issues that may arise. Allowing same-sex marriage based on this Petition alone can delay other more inclusive and egalitarian arrangements that the State can acknowledge.

(2) **NO.** Falcis has no legal standing to file his Petition. Legal standing is a party's "personal and substantial interest in the case such that he has sustained, or will sustain, direct injury as a result of its enforcement." Interest in the case "means a material interest, an interest in issue affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest."

Here, Falcis asserts that he, being an "open and self-identified homosexual," has standing to question Articles 1, 2, 46 (4), and 55 (6) of the Family Code due to his "personal stake in the outcome of the case." Falcis' supposed "personal stake in the outcome of this case" is not the direct injury contemplated by jurisprudence as that which would endow him with standing. Mere assertions of a "law's normative impact"; "impairment" of his "ability to find and enter into long-term monogamous same-sex relationships"; as well as injury to his "plans to settle down and have a companion for life in his beloved country"; or influence over his "decision to stay or migrate to a more LGBT friendly country" can neither be recognized by the Court as sufficient interest nor can they constitute legally demandable rights that require judicial enforcement.

During the oral arguments, Falcis asserted that the very passage of the Family Code itself was the direct injury that he sustained. Falcis presents no proof at all of the immediate, inextricable danger that the Family Code poses to him. His fixation on how the Family Code is the definitive cause of his inability to find a partner is plainly *non sequitur*. Similarly, anticipation of harm is not equivalent to direct injury. Falcis fails to show how the Family Code is the proximate cause of his alleged deprivations.

If the mere passage of a law does not create an actual case or controversy, neither can it be a source of direct injury to establish legal standing. It does not escape the Court's notice that the Family Code was enacted in 1987. This Petition was filed only in 2015. Falcis, as a member of the Philippine Bar, has been aware of the Family Code and its allegedly repugnant provisions, since at least his freshman year in law school. It is then extraordinary for him to claim, first, that he has been continually injured by the existence of the Family Code; and second, that he raised the unconstitutionality of Articles 1 and 2 of the Family Code at the earliest possible opportunity.



SAMPLE CASE DIGEST FOR LABOR LAW

LBC EXPRESS-VIS, INC. *v.* MONICA C. PALCO
G.R. No. 217101, 12 February 2020, *THIRD DIVISION* (Leonen, J.)

DOCTRINE OF THE CASE

Batucan cannot be considered to have been acting on LBC's behalf when he sexually harassed Palco. Thus, Palco cannot base her illegal dismissal complaint against LBC solely on Batucan's acts.

However, even if LBC had no participation in the sexual harassment, it had been informed of the incident. Despite this, it failed to take immediate action on Palco's complaint. LBC's delay in acting on the case showed its insensitivity, indifference and disregard for its employees' security and welfare. This indifference to complaints of sexual harassment victims is a ground for constructive dismissal. Here, it cannot be denied that Palco was compelled to leave her employment because of the hostile and offensive work environment created and reinforced by Batucan and LBC. She was thus clearly constructively dismissed.

FACTS

Monica C. Palco (Palco) started working for LBC Express-Vis, Inc. (LBC) as a customer associate in its Gaisano Danao Branch (LBC Danao).

While employed at LBC, Palco had initially noticed that the Branch's Team Leader and Officer-in-Charge, Arturo A. Batucan (Batucan) would often flirt with her, which made her uncomfortable. Later, Batucan started sexually harassing her. The final straw happened on May 01, 2010 when Batucan sneaked in on Palco while she was in a corner counting money. Palco was caught by surprise and exclaimed, "*Kuyama nako nmo sir, oy!*" (You scared me, sir!). Batucan then held her on her hips and attempted to kiss her lips. However, Palco was able to shield herself.

Palco reported the incident to the LBC Head Office. Sensing that management did not immediately act on her complaint, Palco resigned. She asserted that she was forced to quit since she no longer felt safe at work. Thereafter, Palco filed a Complaint for Illegal Dismissal against the company. Palco likewise filed a Complaint for sexual harassment before the Danao City Prosecutor's Office.

The Labor Arbiter (LA) ruled in favor of Palco. The National Labor Relations Commission (NLRC) affirmed with modification the LA's decision but reduced the amount of moral damages to P50,000.00. The Court of Appeals (CA) affirmed the NLRC decision. Thus, LBC filed this petition, arguing that it should not be held for constructive dismissal because it was Batucan who committed the acts subject of Palco's complaint.

ISSUE

Should LBC be held liable for constructive dismissal?

RULING

YES. Constructive dismissal occurs when an employer has made an employee's working conditions of environment harsh, hostile and unfavorable, such that the employee feels obliged to resign from his or her employment.

One of the ways by which a hostile or offensive work environment is created is through the sexual harassment of an employee. According to Section 3 of the Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act, workplace sexual harassment occurs when a supervisor, or agent of an employer, or any other person who has authority over another in a work environment, imposes sexual favors on another. The gravamen of the offense is not the violation of the employee's sexuality but the abuse of power by the employer.

In this case, it is clear that Batucan's acts were sexually suggestive. He held Palco's hand, put his hand on her lap and shoulder, and attempted to kiss her. These acts are not only inappropriate, but are offensive and invasive enough to result in an unsafe work environment for Palco.

LBC's argument that it was not the company, but Batucan that created the hostile work environment. It contends that Batucan is a mere co-employee, not part of its management who may dismiss other employees. This argument fails to persuade. Managerial employees are those vested with the powers or prerogatives to lay down management policies and to hire, transfer, suspend, lay-off, recall, discharge, assign or discipline employees or effectively recommend such managerial actions.

At the very least, Batucan held a supervisory position, which made him part of the managerial staff. Batucan was Palco's team leader and officer-in-charge in LBC Danao. Nonetheless, Batucan cannot be deemed to have acted on LBC's behalf in committing the acts of sexual harassment. It cannot be assumed that all the illegal acts of managerial staff are authorized or sanctioned by the company, especially when it is committed in the manager's personal capacity.

The distinction between the employer and an erring managerial officer is likewise present in sexual harassment cases. Under Section 5 of the Anti-Sexual Harassment Act, the employer is only solidarily liable for damages with the perpetrator in case an act of sexual harassment was reported and *it did not take immediate action on the matter*. This provision thus illustrates that the employer must first be informed of the acts of the erring managerial officer before it can be held liable for the latter's acts. Conversely, if the employer has been informed of the acts of its managerial staff, and does not contest or question it, it is deemed to have authorized or be complicit to the acts of its erring employee.

In this case, Batucan cannot be considered to have been acting on LBC's behalf when he sexually harassed Palco. Thus, Palco cannot base her illegal dismissal complaint against LBC *solely* on Batucan's acts. However, even if LBC had no participation in the sexual harassment, it had been informed of the incident. Despite this, it failed to take immediate action on Palco's complaint. LBC's delay in acting on the case showed its insensibility, indifference and disregard for its employees' security and welfare. This indifference to complaints of sexual harassment victims is a ground for constructive dismissal.

SAMPLE CASE DIGEST FOR CIVIL LAW

MARIA ELENA BUSTAMANTE v. EDUARDO DYTIANQUIN
G.R. No. 234462, 07 December 2020, *SECOND DIVISION* (Peralta, C.J.)

DOCTRINE OF THE CASE

Psychological incapacity must be more than just a "difficulty," "refusal" or "neglect" in the performance of the marital obligations; it is not enough that a party prove that the other failed to meet the responsibility and duty of a married person. A mere showing of irreconcilable differences and conflicting personalities in no wise constitutes psychological incapacity. These differences do not rise to the level of psychological incapacity under Article 36 of the Family Code and are not manifestations thereof which may be a ground for declaring the marriage void.

While it is apparent to the Court that the union between Elena and Eduardo was an acrimonious and unpleasant one, the same did not invalidate their marriage. An unsatisfactory marriage is not a null and void marriage.

FACTS

Eduardo Dytianquin (Eduardo) and Elena Bustamante Dytianquin (Elena) lived harmoniously for the first few months of their married life. However, after a year, the newlyweds started having frequent and violent fights. Subsequently, the couple decided to separate.

Eduardo would always go out with his friends. Elena would then confront and shout invectives at Eduardo, insulting him and his family. This would prompt Eduardo to leave the house and stay with his own family.

Things took a turn for the worse for the couple in 1972, when Eduardo left their conjugal home and Elena did not fetch him as she usually did. They lost communication with each other from then on, with Elena eventually finding out that Eduardo had engaged in an extramarital affair. In 1976, without any hope of reconciling with each other, the couple finally decided to separate.

Thereafter, Eduardo filed before the Regional Trial Court (RTC) a petition for declaration of absolute nullity of marriage under Article 36 of the Family Code. Eduardo averred that it was their respective psychological incapacities which caused their marriage to end. In support of his petition, Eduardo attached a copy of the psychological assessment report conducted by clinical psychologist Dr. Nedy L. Tayag (Dr. Tayag) who diagnosed him with Passive Aggressive Personality Disorder and Elena with Narcissistic Personality Disorder.

The RTC dismissed the petition. However, the Court of Appeals (CA) granted the appeal and declared the marriage void.

ISSUE

Should the marriage between Elena and Eduardo be declared as void on the ground of psychological incapacity?

RULING

YES. Jurisprudence dictates that to warrant a declaration of nullity on the basis of psychological incapacity, the incapacity "must be grave or serious such that the party would be incapable of carrying out the ordinary duties required in marriage; it must be rooted in the history of the party antedating the marriage although the overt manifestations may emerge only after the marriage; and it must be incurable or even if it were otherwise, the cure would be beyond the means of the party involved."

While the Report of Dr. Tayag submitted that Eduardo suffered from a Passive-Aggressive Personality Disorder and was "obstructive and intolerant of others, expressing negative or incompatible attitudes," the Court finds that the incapacity of Eduardo is premised not on some debilitating psychological condition, but rather from his refusal or unwillingness to perform the essential marital obligations.

On the other hand, Dr. Tayag diagnosed Elena with Narcissistic Personality Disorder. Dr. Tayag found Elena as someone who is self-oriented, with a tendency to push away those who are unable to adjust to her ways. However, the existence of such disorder was not sufficiently proven during trial. In fact, Eduardo himself admitted that whenever they would fight and he would leave their house, Elena would fetch him and settle their issues.

Psychological incapacity must be more than just a "difficulty," "refusal" or "neglect" in the performance of the marital obligations; it is not enough that a party prove that the other failed to meet the responsibility and duty of a married person. A mere showing of irreconcilable differences and conflicting personalities in no wise constitutes psychological incapacity. These differences do not rise to the level of psychological incapacity under Article 36 of the Family Code and are not manifestations thereof which may be a ground for declaring their marriage void.

While it is apparent to the Court that the union between Elena and Eduardo was an acrimonious and unpleasant one, the same did not invalidate their marriage. An unsatisfactory marriage is not a null and void marriage. The Court has repeatedly underscored that psychological capacity under Article 36 is not to be confused with a divorce law that cuts the marital bond at the time the causes therefor manifest themselves. While the Court commiserates with the predicament of Eduardo and Elena, the Court has no option but to apply the applicable law and jurisprudence that addresses only an overly specific situation—a relationship where no marriage could have validly been concluded because the parties, or one of them, by reason of a grave and incurable psychological illness existing when the marriage was celebrated, did not appreciate the obligations of marital life and, thus, could not have validly entered into a marriage.

SAMPLE CASE DIGEST FOR TAXATION LAW

LA SALLIAN EDUCATIONAL INNOVATORS FOUNDATION
(DE LA SALLE UNIVERSITY-COLLEGE OF ST. BENILDE), INC. *v.*
COMMISSIONER OF INTERNAL REVENUE
G.R. No. 202792, 27 February 2019, *THIRD DIVISION* (A.B. Reyes, Jr., *J.*)

DOCTRINE OF THE CASE

Based on jurisprudence and tax rulings, a taxpayer shall be granted with this tax exemption after proving that:

*(a) it falls under the classification of non-stock, non-profit educational institution; and
(b) the income it seeks to be exempted from taxation is used actually, directly and exclusively for educational purposes. The Foundation has fulfilled both of the abovementioned requirements.*

For the first requirement, there is no contest as both the parties have stipulated that the Foundation is a non-stock, non-profit educational institution.

As to the second requirement, it is evident that all of the Foundation's income is actually, directly and exclusively used or earmarked for promoting its educational purpose. To reiterate, CIR never argued that the income of the Foundation was used in any manner other than for promoting its purpose as a non-stock, non-profit educational institution. In fact, there is not even a single argument or evidence presented to cast a doubt in the proper usage of the Foundation's income.

FACTS

La Sallian Educational Innovators Foundation, Inc. (De La Salle University-College of St. Benilde Foundation) or the Foundation is a non-stock, non-profit domestic corporation duly organized and existing under the laws of the Philippines.

On June 17, 2005, Commissioner of Internal Revenue (CIR) issued two Assessment Notices for fiscal year ending May 31, 2002. One of the notices have demand letters against the Foundation for deficiency income tax; and the other is for a deficiency VAT. The Foundation filed a Protest or Request for Reconsideration to CIR.

CIR alleged that the the Foundation has already lost its tax-exempt status, making it liable to deficiency income tax. Details of Discrepancies issued by the BIR enumerated the following findings, to wit:

(a) the Foundation may be a non-stock entity but it is definitely a profit- oriented organization wherein majority of its revenue-operating activities are generating huge amount of profit amounting to P643 million that earned from expensive tuition fees collected from its students, mostly belong to a [sic] upper class family.

(b) the Foundation's Cash in Bank in the amount of P775 million comprise of investing activities and has significant movement in relation to its charitable purposes, which mean that the foundation are not giving sufficient donations which is the main reasons for its qualifications for exemption.

(c) based on the Cash Flow of the foundation activities the 70% of Foundation's earnings goes to the administrative purposes and improvement of the school to increase number of its enrollees and increase further its profit and not to further its charitable purposes.

The Foundation consistently argued that it enjoys a tax-exempt status from all taxes as a non-stock, non-profit educational institution as expressly provided under Section 4, paragraph 4, Article XIV of the 1987 Constitution. Moreover, the Foundation denied CIR's allegations that it engaged in disproportionate profit-earning activities contrary to its educational purpose. It explained that the sum of P643M is not profit, but merely the gross receipts from school-year 2002. Bearing in mind that the total expenses of the Foundation is in the amount of P583M, the net receipt of the Foundation is only P60,000.00. This was corroborated by the Foundation's Audited Financial Statement. Remarkably, this amount is equivalent to just 9.38% of its total operating receipts.

The Court of Tax Appeals (CTA) Division ruled in favor of the Foundation, and cancelling Assessment Notice. However, on appeal to the CTA *En Banc*, the same was reversed.

ISSUE

Has the Foundation lost its tax-exempt status under the 1987 Constitution?

RULING

NO. No less than the 1987 Constitution expressly exempt from taxes and duties all revenues and assets of non-stock, non-profit educational institutions from taxes provided that they are actually, directly and exclusively used for educational purposes. This constitutional exemption is reiterated in the Tax Code, as amended:

Sec. 30. Exemptions from Tax on Corporations. — The following organizations shall not be taxed under this Title in respect to income received by them as such:

(H) A non-stock and non-profit educational institution.

Clearly, non-stock, non-profit educational institutions are not required to pay taxes on all their revenues and assets if they are used actually, directly and exclusively for educational purposes. Based on jurisprudence and tax rulings, a taxpayer shall be granted with this tax exemption after proving that:

- (a) it falls under the classification of non-stock, non-profit educational institution; and
- (b) the income it seeks to be exempted from taxation is used actually, directly and exclusively for educational purposes. The Foundation has fulfilled both of the abovementioned requirements.

For the first requirement, there is no contest as both the parties have stipulated that the Foundation is a non-stock, non-profit educational institution. Also, it is clearly stated in the primary and secondary purposes in the former Amended Articles of Incorporation that it is a non-stock, non-profit educational entity as it is formed to establish a school that will offer elementary, secondary, collegiate and post graduate courses of study, as well as technical, vocational and special courses under one campus xxx; and Foundation has no capital divided into shares. No part of its income can be distributed as dividends to its members, trustees and officers.

As to the second requirement, it is evident that all of the Foundation's income is actually, directly and exclusively used or earmarked for promoting its educational purpose. To reiterate, CIR never argued that the income of the Foundation was used in any manner other than for promoting its purpose as a non-stock, non-profit educational institution. In fact, there is not even a single argument or evidence presented to cast a doubt in the proper usage of the Foundation's income.

Furthermore, a simple reading of the Constitution would show that Article XIV, Section 4 (3) does not require that the revenues and income must have also been earned from educational activities or activities related to the purposes of an educational institution. The phrase "all revenues" is unqualified by any reference to the source of revenues. Thus, so long as the revenues and income are used actually, directly and exclusively for educational purposes, then said revenues and income shall be exempt from taxes and duties.

The Foundation firmly and adequately argued that none of its income inured to the benefit of any officer or entity. Instead, its income has been actually, exclusively and directly used for performing its purpose as an educational institution. Undoubtedly, the Foundation has also proven this second requisite.

SAMPLE CASE DIGEST FOR COMMERCIAL LAW

COMMISSIONER OF INTERNAL REVENUE *v.*
INTERPUBLIC GROUP OF COMPANIES, INC.

G.R. No. 207039, 14 August 2019, *SECOND DIVISION* (J.C. Reyes, Jr., J.)

DOCTRINE OF THE CASE

Section 3 (d) of R.A. No. 7042 provides:

SEC. 3. Definitions. —

d) The phrase "doing business" shall include soliciting orders, service contracts, opening offices, whether called "liaison" offices or branches; appointing representatives or distributors domiciled in the Philippines or who in any calendar year stay in the country for a period or periods totaling one hundred eighty (180) days or more; participating in the management, supervision or control of any domestic business, firm, entity or corporation in the Philippines; and any other act or acts that imply a continuity of commercial dealings or arrangements, and contemplate to that extent the performance of acts or works, or the exercise of some of the functions normally incident to, and in progressive prosecution of, commercial gain or of the purpose and object of the business organization: Provided, however, That the phrase "doing business" shall not be deemed to include mere investment as a shareholder by a foreign entity in domestic corporations duly registered to do business, and/or the exercise of rights as such investor; nor having a nominee director or officer to represent its interests in such corporation; nor appointing a representative or distributor domiciled in the Philippines which transacts business in its own name and for its own account.

Inferring from the afore-cited provision, mere investment as a shareholder by a foreign corporation in a duly registered domestic corporation shall not be deemed "doing business" in the Philippines. It is clear then that the IGC's act of subscribing shares of stocks from McCann, a duly registered domestic corporation, maintaining investments therein, and deriving dividend income therefrom, does not qualify as "doing business" contemplated under R.A. No. 7042. Hence, the IGC is not required to secure a license before it can file a claim for tax refund.

FACTS

Interpublic Group of Companies, Inc. (IGC) is a non-resident foreign corporation duly organized and existing under and by virtue of the laws of the United States of America. The IGC owns 30% of the total outstanding and voting capital stock of McCann Worldgroup Philippines, Inc., a domestic corporation duly organized and existing under the laws of the Philippines engaged in the general advertising business.

In 2006, McCann's Board of Directors declared cash dividends in the total amount of P205,648,685 in favor of its stockholders of record. The IGC received cash dividends from McCann in the amount of P61,694,605. McCann withheld a Final Withholding Tax (FWT) at the rate of 35% on IGC's cash dividends and remitted the payment of the FWT in the amount of P21,593,111 to Commissioner of Internal Revenue (CIR).

In 2008, the IGC filed an administrative claim for refund or issuance of Tax Credit Certificate (TCC) in the amount of P12,338,921.00, representing the alleged overpaid FWT on dividends paid by McCann to IGC. The IGC averred that as a non-resident foreign corporation, it may avail of the preferential FWT rate of 15% on dividends received from a domestic corporation under Section 28(B) (5) (b) of the Tax Code.

The CIR failed to act on IGC's claim for refund or issuance of TCC. This prompted the IGC to file a petition for review with the Court of Tax Appeals (CTA). The CTA ordered the CIR to refund or to issue a TCC in favor of IGC. Hence, this petition.

ISSUE

Does the IGC have the capacity to sue in Philippines courts?

RULING

YES. Section 133 of the Corporation Code provides:

SEC. 133. Doing business without a license. — No foreign corporation transacting business in the Philippines without a license, or its successors or assigns, shall be permitted to maintain or intervene in any action, suit or proceeding in any court or administrative agency of the Philippines; but such corporation may be sued or proceeded against before Philippine courts or administrative tribunals on any valid cause of action recognized under Philippine laws.

The aforementioned provision bars a foreign corporation "transacting business" in the Philippines without a license access to courts. Thus, in order for a foreign corporation to sue in Philippine courts, a license is necessary only if it is "transacting or doing business" in the country. Conversely, if an unlicensed foreign corporation is not transacting or doing business in the Philippines, it can be permitted to bring an action even without such license.

Apparently, it is not the absence of the prescribed license, but the "doing of business" in the Philippines without such license which debars the foreign corporation from access to courts. The operative phrase is "transacting or doing business."

The threshold question therefore is whether the IGC was doing business in the Philippines when it collected dividend earnings from sources within the Philippines. The Corporation Code provides no definition for the phrase "doing business."

In the old case of *The Mentholatum Co. v. Mangaliman*, the Court discussed the test to determine whether a foreign company is "doing business" in the Philippines, thus:

No general rule or governing principle can be laid down as to what constitutes "doing" or "engaging in" or "transacting" business. Indeed, each case must be judged in the light of its peculiar environmental circumstances. The true test, however, seems to be whether the foreign corporation is continuing the body or substance of the business or enterprise for which it was organized or

whether it has substantially retired from it and turned it over to another. The term implies a continuity of commercial dealings and arrangements, and contemplates, to that extent, the performance of acts or works or the exercise of some of the functions normally incident to, and in progressive prosecution of, the purpose and object of its organization.

The foregoing definition found its way in R.A. No. 7042, otherwise known as the Foreign Investments Act of 1991, which repealed Articles 44-56, Book II of the Omnibus Investments Code of 1987. Said law enumerated not only the acts or activities which constitute "doing business," but also those activities which are not deemed "doing business." Thus, Section 3 (d) of R.A. No. 7042 provides:

SEC. 3. Definitions. —

d) The phrase "doing business" shall include soliciting orders, service contracts, opening offices, whether called "liaison" offices or branches; appointing representatives or distributors domiciled in the Philippines or who in any calendar year stay in the country for a period or periods totaling one hundred eighty (180) days or more; participating in the management, supervision or control of any domestic business, firm, entity or corporation in the Philippines; and any other act or acts that imply a continuity of commercial dealings or arrangements, and contemplate to that extent the performance of acts or works, or the exercise of some of the functions normally incident to, and in progressive prosecution of, commercial gain or of the purpose and object of the business organization: *Provided, however, That the phrase "doing business" shall not be deemed to include mere investment as a shareholder by a foreign entity in domestic corporations duly registered to do business, and/or the exercise of rights as such investor; nor having a nominee director or officer to represent its interests in such corporation; nor appointing a representative or distributor domiciled in the Philippines which transacts business in its own name and for its own account.*

Inferring from the afore-cited provision, mere investment as a shareholder by a foreign corporation in a duly registered domestic corporation shall not be deemed "doing business" in the Philippines. It is clear then that the IGC's act of subscribing shares of stocks from McCann, a duly registered domestic corporation, maintaining investments therein, and deriving dividend income therefrom, does not qualify as "doing business" contemplated under R.A. No. 7042. Hence, the IGC is not required to secure a license before it can file a claim for tax refund.

SAMPLE CASE DIGEST FOR CRIMINAL LAW

JAIME ARAZA y JARUPAY v. PEOPLE OF THE PHILIPPINES
G.R. No. 247429, 08 September 2020, FIRST DIVISION (Peralta, C.J.)

DOCTRINE OF THE CASE

Psychological violence is the means employed by the perpetrator, while emotional anguish or mental suffering are the effects caused to or the damage sustained by the offended party. R.A. No. 9262 does not require proof that the victim became psychologically ill due to the psychological violence done by her abuser. Rather, the law only requires emotional anguish and mental suffering to be proven. To establish emotional anguish and mental suffering, jurisprudence only requires that the testimony of the victim to be presented in court, as such experiences are personal to this party.

The prosecution has established Araza's guilt beyond reasonable doubt by proving that he committed psychological violence upon his wife by committing marital infidelity. AAA's testimony was strong and credible. She was able to confirm that Araza was living with another woman.

FACTS

AAA testified that she and Jaime Araza were married in 1989. She had no marital issues with Araza until he went to Zamboanga City for their networking business.

One day, she received a text message that her husband is having an affair with their best friend. After confirming such fact, she instituted a complaint for Concubinage. The case was subsequently amicably settled after Araza and his mistress committed themselves never to see each other again. Thereafter, Araza again lived with AAA. However, Araza left AAA without saying a word.

An investigation revealed that Araza left to live with his mistress. As a matter of fact, three children were born out of their cohabitation. The truth caused AAA emotional and psychological suffering. At present, she is taking anti-depressant and sleeping pills to cope.

These events led to the filing of an Information against Araza for violation of Section 5(i) of Republic Act No. 9262 (R.A. No. 9262) or the Anti-Violence Against Women and Their Children Act of 2004. In its Decision, the Regional Trial Court (RTC) found that all the elements of the crime of violence against women were satisfied. On appeal, the Court of Appeals (CA) echoed the RTC's factual findings and conclusions. Hence, this petition.

ISSUE

Did Araza commit psychological violence upon his wife AAA by committing marital infidelity?

RULING

YES. The elements of violation of Section 5(i) of R.A. No. 9262 are the following:

- (a) The offended party is a woman and/or her child or children;
- (b) The woman is either the wife or former wife of the offender, or is a woman with whom the offender has or had a sexual or dating relationship, or is a woman with whom such offender

has a common child. As for the woman's child or children, they may be legitimate or illegitimate, or living within or without the family abode;

(c) the offender causes on the woman and/or child mental or emotional anguish; and

(d) the anguish is caused through acts of public ridicule or humiliation, repeated verbal and emotional abuse, denial of financial support or custody of minor children or access to the children or similar acts or omissions.

Psychological violence is an indispensable element of violation of Section 5(i) of R.A. No. 9262. Equally essential is the element of emotional anguish and mental suffering, which are personal to the complainant.

Psychological violence is the means employed by the perpetrator, while emotional anguish or mental suffering are the effects caused to or the damage sustained by the offended party. R.A. No. 9262 does not require proof that the victim became psychologically ill due to the psychological violence done by her abuser. Rather, the law only requires emotional anguish and mental suffering to be proven. To establish emotional anguish and mental suffering, jurisprudence only requires that the testimony of the victim to be presented in court, as such experiences are personal to this party.

In order to establish psychological violence, proof of the commission of any of the acts enumerated in Section 5(i) or similar of such acts, is necessary.

The prosecution has established Araza's guilt beyond reasonable doubt by proving that he committed psychological violence upon his wife by committing marital infidelity. AAA's testimony was strong and credible. She was able to confirm that Araza was living with another woman.

Marital infidelity, which is a form of psychological violence, is the proximate cause of AAA's emotional anguish and mental suffering, to the point that even her health condition was adversely affected.

The prosecution was able to prove the case of AAA. While Araza denied that he committed marital infidelity against AAA, he would later on admit that that he left his wife AAA to live with his mistress, and that he was fully aware that AAA suffered emotionally and psychologically because of his decision.

Thus, Araza was sentenced to suffer the indeterminate penalty of six (6) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum; ordered to pay a fine equivalent to P100,000.00, and moral damages in the amount of P25,000.00; and directed to undergo a mandatory psychological counselling or psychiatric treatment.

SAMPLE CASE DIGEST FOR REMEDIAL LAW

PEOPLE OF THE PHILIPPINES v. ROMY LIM y MIRANDA
G.R. No. 231989, 04 September 2018, EN BANC (Peralta, J.)

DOCTRINE OF THE CASE

In this case, IO1 Orellan testified that no members of the media and barangay officials arrived at the crime scene because it was late at night and it was raining, making it unsafe for them to wait at Lim's house. IO2 Orcales similarly declared that the inventory was made in the PDEA office considering that it was late in the evening and there were no available media representative and barangay officials despite their effort to contact them. He admitted that there are times when they do not inform the barangay officials prior to their operation as they might leak the confidential information. The Court is of the view that these justifications are unacceptable as there was no genuine and sufficient attempt to comply with the law.

Thus, in order to weed out early on from the courts' already congested docket any orchestrated or poorly built up drug-related cases, the following should henceforth be enforced as a mandatory policy:

(a) In the sworn statements/ affidavits, the apprehending/ seizing officers must state their compliance with the requirements of Section 21 (1) of R.A. No. 9165, as amended, and its IRR;

(b) In case of non-observance of the provision, the apprehending/ seizing officers must state the justification or explanation therefor as well as the steps they have taken in order to preserve the integrity and evidentiary value of the seized/ confiscated items;

(c) If there is no justification or explanation expressly declared in the sworn statements or affidavits, the investigating fiscal must not immediately file the case before the court. Instead, he or she must refer the case for further preliminary investigation in order to determine the (non) existence of probable cause; and

(d) If the investigating fiscal filed the case despite such absence, the court may exercise its discretion to either refuse to issue a commitment order (or warrant of arrest) or dismiss the case outright for lack of probable cause in accordance with Section 5, Rule 112, Rules of Court.

FACTS

Based on a report of a confidential informant (CI) that a certain "Romy" has been engaged in the sale of prohibited drugs in Cagayan de Oro City, IO1 Orellan and his teammates were directed to gather for a buy-bust operation.

When the sale was consummated, IO1 Carin executed a missed call to IO1 Orellan, which was the pre-arranged signal. The latter, with the rest of the team members, immediately rushed to Lim's house. IO1 Orellan declared that they were PDEA agents and informed Lim of his arrest for selling dangerous drug.

IO1 Orellan took into custody the P500.00 bill, the plastic box, and a disposable lighter. IO1 Carin turned over to him the plastic sachet that she bought from Lim. While in the house, IO1 Orellan marked the two plastic sachets. Despite exerting efforts to secure the attendance of the representative from the media and *barangay* officials, nobody arrived to witness the inventory-taking.

In an Information, Lim was charged with illegal possession of Methamphetamine Hydrochloride (*shabu*), contrary to, and in violation of, Section 11, Article II of Republic Act No. 9165

(R.A. No. 9165). On even date, Lim, together with his stepson, Eldie Gorres y Nave (Gorres), was also indicted for illegal sale of *shabu*, contrary to Section 5, paragraph 1, Article II of R.A. No. 9165.

In their arraignment, Lim and Gorres pleaded not guilty. After trial, the Regional Trial Court (RTC) handed a guilty verdict on Lim for illegal possession and sale of *shabu* and acquitted Gorres for lack of sufficient evidence linking him as a conspirator.

On appeal, the Court of Appeals (CA) affirmed the RTC Decision. For the appellate court, the witnesses for the prosecution were able to testify on every link in the chain of custody, establishing the crucial link in the chain from the time the seized items were first discovered until they were brought for examination and offered in evidence in court.

ISSUE

Did the buy-bust team follow the procedure mandated in Section 21(1), Article II of R.A. No. 9165?

RULING

YES. The chain of custody rule is but a variation of the principle that real evidence must be authenticated prior to its admission into evidence. To establish a chain of custody sufficient to make evidence admissible, the proponent needs only to prove a rational basis from which to conclude that the evidence is what the party claims it to be. In other words, in a criminal case, the prosecution must offer sufficient evidence from which the trier of fact could reasonably believe that an item still is what the government claims it to be.

Here, evident is the absence of an elected public official and representatives of the DOJ and the media to witness the physical inventory and photograph of the seized items. In fact, their signatures do not appear in the Inventory Receipt.

The Court stressed in *People v. Vicente Sipin y De Castro* that it must be alleged and proved that the presence of the three witnesses to the physical inventory and photograph of the illegal drug seized was not obtained due to reason/s such as:

- (a) their attendance was impossible because the place of arrest was a remote area;
- (b) their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf, among others.

Earnest effort to secure the attendance of the necessary witnesses must be proven. *People v. Ramos* requires a justifiable reason for such failure or a showing of any genuine and sufficient effort to secure the required witnesses under Sec. 21 of R.A. No. 9165 must be adduced. In *People v. Umipang*, the Court held that the prosecution must show that earnest efforts were employed in contacting the representatives enumerated under the law for "a sheer statement that representatives were unavailable

without so much as an explanation on whether serious attempts were employed to look for other representatives, given the circumstances is to be regarded as a flimsy excuse."

In this case, IO1 Orellan testified that no members of the media and barangay officials arrived at the crime scene because it was late at night and it was raining, making it unsafe for them to wait at Lim's house. IO2 Orcales similarly declared that the inventory was made in the PDEA office considering that it was late in the evening and there were no available media representative and barangay officials despite their effort to contact them. He admitted that there are times when they do not inform the barangay officials prior to their operation as they might leak the confidential information. The Court is of the view that these justifications are unacceptable as there was no genuine and sufficient attempt to comply with the law.

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- (c) If there is no justification or explanation expressly declared in the sworn statements or affidavits, the investigating fiscal must not immediately file the case before the court. Instead, he or she must refer the case for further preliminary investigation in order to determine the (non) existence of probable cause; and
- (d) If the investigating fiscal filed the case despite such absence, the court may exercise its discretion to either refuse to issue a commitment order (or warrant of arrest) or dismiss the case outright for lack of probable cause in accordance with Section 5, Rule 112, Rules of Court.

SAMPLE CASE DIGEST FOR LEGAL AND JUDICIAL ETHICS

RE: ANONYMOUS COMPLAINT AGAINST ATTY. CRESENCIO P. CO UNTIAN, JR.
A.C. No. 5900, 10 April 2019, *EN BANC* (J. Reyes, Jr., J.)

DOCTRINE OF THE CASE

Lawyers, aside from being competent and adept in dealing with the intricacies of the law, must also be individuals of honor and virtue. Legal knowledge and ability, without the guidance of morals and justice, is a dangerous tool, which may harm, instead of uplift others.

Atty. Untian, Jr.'s responsibilities and expectations are even more heightened because he is a law professor. He should be a beacon of righteous and conscientious conduct. Atty. Untian, Jr., as a molder of minds of soon-to-be lawyers, should guide his students to behave and act in a manner consistent with the lofty standards of the legal profession. Instead, he abused his position of authority creating an offensive and uncomfortable atmosphere in school.

FACTS

The Complaint requested the Court to investigate the alleged sexual harassments that Atty. Untian, Jr. had committed against students of Xavier University, Cagayan de Oro City (Xavier), particularly Antoinette Toyco (Toyco), Christina Sagarbarria (Sagarbarria) and Lea Dal (Dal).

Toyco claimed that Atty. Untian, Jr. initially expressed amorous interest when he sent her flowers anonymously through another law student. She stated that eventually Atty. Untian, Jr. texted her through his own phone where he would send romantic messages, poems, love notes and sweet nothings. Toyco explained that while she was never sexually assaulted, Atty. Untian, Jr.'s unwelcome advances made her feel degraded as she could not easily ignore Atty. Untian, Jr. for fear of reprisal.

On the other hand, Sagarbarria narrated that Atty. Untian, Jr. showed her a photograph revealing a naked woman and teased her within hearing distance of other law students. Sagarbarria denied that she was the woman because she had a distinctive mark on her back for the past six years. She averred that the incident caused her depression, fearing what other law students may think of her.

Meanwhile, Dal recounted that in one of her recitations during Atty. Untian, Jr.'s class, she clarified a question propounded to her saying "Sir, come again?" Atty. Untian, Jr. retorted "What? You want me to come again? I have not come the first time and don't you know that it took me five minutes to come, and you want me to come again?" She later learned that Atty. Untian, Jr. would narrate the said incident to almost all of his classes. Dal felt offended that she was subjected to such sexually charged language and the fact that her embarrassment was retold in other classes.

Atty. Untian, Jr. lamented that the complaints for sexual harassment was made by disgruntled students who failed their classes for the 2001-2002 school year as manifested by the fact that the incidents happened years apart but the complaints were made all at the same time.

Atty. Untian, Jr. denied sending flowers and text messages with romantic undertones to Toyco. He highlighted that it was in fact her who gave him gifts during Valentine's Day in 2002. Atty. Untian, Jr.

added that he texting "luv u" and "miss u" are friendly text messages sent without malice especially considering that they were misspelled.

As to Sagarbarria's allegations, Atty. Untian, Jr. countered that he confiscated the photograph from another student and jokingly showed it to her in the spirit of their open and uninhibited relationship. He noted that Sagarbarria is his niece and they were previously close as they would oftentimes exchange discussions on sensitive and mature matters as adults without any malice. Atty. Untian, Jr. claimed that she was never humiliated when he showed her the photograph because she even gamely lowered down her pants to prove that it was not her in the photograph because unlike her, the naked woman did not have any tattoo.

In his Report and Recommendation, Commissioner Salvador Hababag (Commissioner Hababag) recommended that Atty. Untian, Jr. be suspended from the practice of law for two years.

In its Resolution, the Integrated Bar of the Philippines-Board of Governors (IBP-BOG) affirmed with modification the recommendation of Commissioner Hababag. It resolved to disbar Atty. Untian, Jr. on the ground of gross immoral conduct.

ISSUE

Should Atty. Untian, Jr. be held administratively liable?

RULING

YES. Atty. Untian, Jr. is **SUSPENDED** from the practice of law for five (5) years and ten (10) years from teaching law in any school effective upon the finality of this Resolution, with a **STERN WARNING** that a repetition of the same or similar act will be dealt with more severely.

Rule 1.01 of the Code of Professional Responsibility (CPR) provides that a lawyer shall not engage in an unlawful, dishonest, immoral or deceitful conduct. On the other hand, Canon 7 mandates that lawyers shall, at all times, uphold the integrity and dignity of the legal profession. Further, Rule 7.03 of the CPR commands lawyers not to engage in conduct that adversely reflects on his fitness to practice law, or behave in a scandalous manner to the discredit of the legal profession.

Much is expected of lawyers in that it does not suffice that they are persons of integrity and values, but must also appear to be so in the eyes of the people, and of God. Notwithstanding the relativity of morality, lawyers, as keepers of public faith, are burdened with a high degree of social responsibility — they must handle their personal affairs with greater caution. In other words, members of the bar are measured in a more demanding light because their actions or inactions not only affect themselves, but also the legal profession and the public's trust and respect for the law. As such, any errant behavior on the part of the lawyer, whether in a public or private capacity, which tends to show deficiency in moral character, honesty, probity or good demeanor, is sufficient to warrant suspension or disbarment.

It must be remembered that lawyers are both preachers and stewards of law, justice, morals and fairness in that they are duty-bound to propagate observance and deference thereto. It is not enough that

they know right from wrong, just from unjust, moral or immoral, because they must not only speak of such ideals, but must also live by them. Lawyers, aside from being competent and adept in dealing with the intricacies of the law, must also be individuals of honor and virtue. Legal knowledge and ability, without the guidance of morals and justice, is a dangerous tool, which may harm, instead of uplift others.

Atty. Untian, Jr.'s responsibilities and expectations are even more heightened because he is a law professor. He should be a beacon of righteous and conscientious conduct. Atty. Untian, Jr., as a mold of minds of soon-to-be lawyers, should guide his students to behave and act in a manner consistent with the lofty standards of the legal profession. Instead, he abused his position of authority creating an offensive and uncomfortable atmosphere in school.

Further, it is even more disappointing that Atty. Untian, Jr. fails to acknowledge the consequences of his actions and disregard the hurt Sagarbarria, Toyco and Dal may have felt. He generally claimed that they did not express any distress, embarrassment, or humiliation during the incidents complained of. It must be stressed that as their law professor, Atty. Untian, Jr. exercised moral ascendancy over them. Thus, it is within reason that the concerned students could not have readily expressed disgust or annoyance over a person in authority. It takes courage and strength to stand up and speak against any form of sexual harassment. This is especially true considering that in most cases, the offender wields power, authority, or influence over the victim.

