

Republic of the Philippines  
Supreme Court  
Manila

EN BANC

BAR MATTER NO. 1645

RE: AMENDMENT OF RULE 139-B

*Whereas*, Article VIII, Section 5(5) of the 1987 Constitution confers upon the Supreme Court the power to promulgate rules concerning the admission to the practice of law.

*Whereas*, the Supreme Court's power relating to the admission to the practice of law inherently includes the power to discipline and remove from the rolls, lawyers who have transgressed their oath and violated the Code of Professional Responsibility.

*Whereas*, dismissal of complaints filed against lawyers is a power of the Supreme Court that cannot be delegated to the Integrated Bar of the Philippines.

*Whereas*, the motive of the complainant and his or her action/inaction after the filing of a verified complaint against a lawyer are not essential to the proceedings.

*Now therefore*, Sections 1, 5, 12, 13, and 15 of Rule 139-B of the Rules of Court are amended to read as follows:

**RULE 139-B**  
**Disbarment and Discipline of Attorneys**

**Section 1. How Instituted.** — Proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or upon the filing of a verified complaint of any person before the Supreme Court or the Integrated Bar of the Philippines (IBP). The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts.

The IBP shall forward to the Supreme Court for appropriate disposition all complaints for disbarment, suspension and discipline filed against incumbent Justices of the Court of Appeals, Sandiganbayan, Court of Tax Appeals and judges of lower courts, or against lawyers in the government service, whether or not they are charged singly or jointly with other respondents, and whether or not such complaint deals with acts unrelated to the discharge of their official functions.

If the complaint is filed before the IBP, six (6) copies of the verified complaint shall be filed with the Secretary of the IBP or the Secretary of any of its chapter who shall forthwith transmit the same to the IBP Board of Governors for assignment to an investigator.


#### **A. PROCEEDINGS IN THE INTEGRATED BAR OF THE PHILIPPINES**

**Section 5. *Service or dismissal.*** — If the complaint appears to be meritorious, the Investigator shall direct that a copy thereof be served upon the respondent, requiring him to answer the same within fifteen (15) days from the date of service. If the complaint does not merit action, or if the answer shows to the satisfaction of the Investigator that the complaint is not meritorious, the Investigator will recommend to the Board of Governors the dismissal of the complaint. Thereafter, the procedure in Section 12 of this Rule shall apply.

No investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same, unless the Supreme Court *motu proprio* or upon recommendation of the IBP Board of Governors, determines that there is no compelling reason to continue with the disbarment or suspension proceedings against the respondent. (Amendment pursuant to Supreme Court Resolution dated May 27, 1993 re Bar Matter No. 356)

**Section 12. *Review and recommendation by the Board of Governors.***

a) Every case heard by an investigator shall be reviewed by the IBP Board of Governors upon the record and evidence transmitted to it by the Investigator with his report.



b) After its review, the Board, by the vote of a majority of its total membership, shall recommend to the Supreme Court the dismissal of the complaint or the imposition of disciplinary action against the respondent. The Board shall issue a resolution setting forth its findings and recommendations, clearly and distinctly stating the facts and the reasons on which it is based. The resolution shall be issued within a period not exceeding thirty (30) days from the next meeting of the Board following the submission of the Investigator's report.

c) The Board's resolution, together with the entire records and all evidence presented and submitted, shall be transmitted to the Supreme Court for final action within ten (10) days from issuance of the resolution.

d) Notice of the resolution of the Board shall be given to all parties through their counsel, if any.

## **B. PROCEEDINGS IN THE SUPREME COURT**


**Section 13.** *Investigation of complaints.* — In proceedings initiated by the Supreme Court, or in other proceedings when the interest of justice so requires, the Supreme Court may refer the case for investigation to the Office of the Bar Confidant, or to any officer of the Supreme Court or judge of a lower court, in which case the investigation shall proceed in the same manner provided in sections 6 to 11 hereof, save that the review of the report of investigation shall be conducted directly by the Supreme Court. The complaint may also be referred to the IBP for investigation, report, and recommendation.

## **C. COMMON PROVISIONS**

**Section 15.** *Suspension of attorney by Supreme Court.* — After receipt of respondent's answer or lapse of the period therefor, the Supreme Court, *motu proprio*, or upon the recommendation of the IBP Board of Governors, may suspend an attorney from the practice of his profession for any of the causes specified in Rule 138, section 27, during the pendency of the investigation until such suspension is lifted by the Supreme Court.

The amendments shall take effect fifteen (15) days after publication in a newspaper of general circulation.

The Integrated Bar of the Philippines is ordered to revise its rules of procedure in accordance with the amendments to Rule 139-B.



October 13, 2015.




**MARIA LOURDES P. A. SERENO**  
Chief Justice

On Official Leave

**ANTONIO T. CARPIO**  
Associate Justice

**PRESBITERO J. VELASCO, JR.**  
Associate Justice



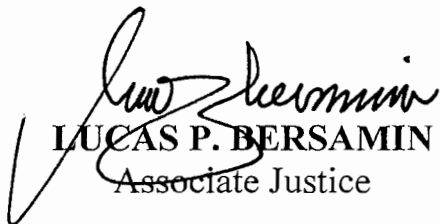
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice




**ARTURO D. BRION**  
Associate Justice



**DIOSDADO M. PERALTA**  
Associate Justice



**LUCAS P. BERSAMIN**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice



**MARTIN S. VILLARAMA, JR.**  
Associate Justice




**JOSE PORTUGAL PEREZ**  
Associate Justice

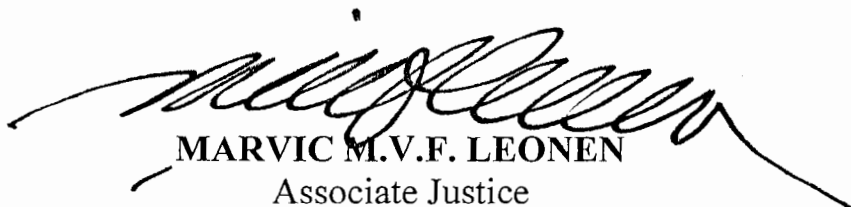


**JOSE CATRAL MENDOZA**  
Associate Justice


On Leave  
**BIENVENIDO L. REYES**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice



**FRANCIS H. JARDELEZA**  
Associate Justice