



Republic of the Philippines  
 Supreme Court  
 Baguio City

SECOND DIVISION

AAA,<sup>1</sup>

Complainant,

A.C. No. 13426

[Formerly CBD Case No. 19-6161]

- versus -

Present:

ATTY. JON MICHAEL P.  
 ALAMIS,

Respondent.

LEONEN, S.A.J.,  
 Chairperson,  
 LAZARO-JAVIER,  
 LOPEZ, M.,  
 LOPEZ, J., and  
 KHO, JJ.

Promulgated:

APR 12 2023

X ----- X

DECISION

KHO, JR., J.:

Before the Court is an administrative complaint<sup>2</sup> filed by complainant AAA (complainant) before the Integrated Bar of the Philippines (IBP),

<sup>1</sup> The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members and the accused, shall be withheld pursuant to RA 7610, entitled "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes," approved on June 17, 1992; RA 9262, entitled "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014] [Per J. Perlas-Bernabe, Second Division], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013] [Per J. Brion, Second Division]. See also Amended Administrative Circular No. 83-2015, entitled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," dated September 5, 2017.)

<sup>2</sup> *Rollo*, pp. 3-9.

Commission on Bar Discipline, seeking to disbar respondent Atty. Jon Michael P. Alamis (respondent) for averred sexually-laced acts committed against complainant constituting sexual harassment and grossly immoral conduct in violation of Rule 1.01, Canon 1 and Rule 7.03, Canon 7 of the Code of Professional Responsibility (CPR).<sup>3</sup>

### The Facts

Complainant averred that respondent, a married man who held the higher rank of senior partner in [REDACTED] (firm) where she was a junior associate, committed numerous sexually-charged acts over the course of her employment in the firm since June 15, 2017, ranging from dirty jokes, innuendos, inappropriate personal questions about her first kiss and romantic relationships, and sharing about his extramarital sexual acts/conquests, to sexual advances. She claimed that during her birthday on August 4, 2017, respondent actually kissed her cheek instead of giving her a mere “*beso*” by way of greeting; on February 12, 2019, he shared an obscene animated image of a child masturbating with a stuffed toy; on March 1, 2019, during their Taiwan trip with the other members of the firm, she asked respondent to take her photo to which he replied, “[*s*]akyan mo nga yan [statue] na parang feel na feel mo[!];” on March 6, 2019, respondent gifted her a rose and sash as purported consolation price in a card game. Moreover, during the firm’s out-of-town trip on April 8, 2019, respondent made sexual advances on her by insisting that he give her a body massage, eagerly showed her a topless photo of himself, asked her if she were physically intimate with her ex-boyfriend, and even confessed that he would have fallen for her had they been within the same age range. On April 16, 2019, during a social event with other members of the firm, respondent delivered his usual vulgar jokes in front of complainant, and expressly told her that “he ‘didn’t care’ that she had become ‘numb’ to her consistent exposure to [his] green/lewd jokes and immoral behavior.” Furthermore, prior to complainant’s family vacation abroad in June 2019, respondent badgered her to give him a phallic confectionary as “*pasalubong*,” to which she acquiesced in order to appease him and get on his good side. Finally, on July 2, 2019, respondent openly and persistently accused her of watching pornographic material on the firm’s laptop, and after her denial, pointedly asked if she watches pornography in the first place.<sup>4</sup>

Complainant asserted that these acts made her feel unable to continue working for the firm as she could no longer manage respondent’s behavior while maintaining a professional distance, prompting her to tender her resignation, citing as reasons the torture caused by respondent’s inappropriate acts. She eventually reported the matter to the other partners of the firm, but respondent suddenly left and retired therefrom instead of facing an investigation, and thereafter offered to settle the matter, which she

<sup>3</sup> *Id.* at 3–4 and 7.

<sup>4</sup> *Id.* at 3–6 and 210.

refused.<sup>5</sup>

While she reconsidered her resignation after respondent left the firm, the trauma she experienced resulted in sleepless nights, severe lack of motivation at work, disinterest in career and future, strained personal relationships, and extreme physical and emotional exhaustion, leading to bouts of crying, essentially compromising her personal and professional well-being. This prompted her to seek psychiatric help<sup>6</sup> and undergo psychotherapy sessions in 2019 and 2020.<sup>7</sup>

For his part, respondent admitted some of the alleged acts and utterances but claimed that they were merely misinterpreted, meant as a harmless joke, caused by intoxication, taken out of context, or unintended to be sexual. He countered that he did not target, select, or single out complainant to hurt, offend, or humiliate her, maintaining that questions about colleagues' personal and private lives were a normal occurrence in the workplace, and other male members of the firm similarly shared jokes about sexual acts and conquests. He argued that the allegations in the Complaint do not show that he demanded or requested a sexual favor from complainant, negating the charge of sexual harassment. Finally, he claimed that he did not engage in any unlawful, dishonest, immoral, or deceitful conduct in taking an interest in his colleague's personal and private life. Nonetheless, he admitted that he may have overreached, and thus, offered his apologies to complainant.<sup>8</sup>

### **The IBP Report and Recommendation**

In a Report and Recommendation<sup>9</sup> dated June 21, 2021, the IBP Investigating Commissioner (IC) recommended that respondent be found administratively liable for having committed work-related sexual harassment constituting gross immoral conduct in violation of Rule 1.01, Canon 1 and Rule 7.03, Canon 7 of the CPR, and suspended from the practice of law for a period of one (1) year, with a stern warning that commission of the same or similar acts in the future shall be dealt with more severely.<sup>10</sup>

In so recommending, the IC found that respondent engaged in highly inappropriate and immoral conduct that adversely reflects on his fitness to practice law and behaved in a scandalous manner to the discredit of the legal profession. He further pointed out that respondent's admissions hinted at some self-awareness that he was crossing professional boundaries, yet his inappropriate behavior persisted in disregard of the hurt that complainant

---

<sup>5</sup> *Id.* at 6–7.

<sup>6</sup> *Id.* at 7.

<sup>7</sup> *Id.* at 212.

<sup>8</sup> *Id.* at 36–43.

<sup>9</sup> *Id.* at 275–285. Penned by Commissioner Jean Francois D. Rivera III.

<sup>10</sup> *Id.* at 284–285.

may have felt, losing sight that as senior partner, he exercises moral ascendancy over a junior associate, and the latter could not have readily expressed her disgust or annoyance over him who wields power, influence, or authority over her.<sup>11</sup>

In a Resolution<sup>12</sup> dated January 29, 2022, the IBP Board of Governors resolved to approve and adopt the IC's Report and Recommendation.

### **The Issue Before the Court**

The essential issue in this case is whether respondent should be held administratively liable for the acts complained of.

### **The Court's Ruling**

The Court adopts the findings and recommendations of the IBP, with modification as to the penalty to be imposed on respondent.

Rule 1.01, Canon 1 of the CPR provides:

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and legal processes.

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

The provision instructs that “as officers of the court, lawyers are bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity, and fair dealing.”<sup>13</sup>

Furthermore, Rule 7.03, Canon 7 of the CPR states:

CANON 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession and support the activities of the Integrated Bar.

.....

Rule 7.03 — A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

---

<sup>11</sup> *Id.* at 283–284.

<sup>12</sup> *Id.* at 273–274. Signed by National Secretary Doroteo Lorenzo B. Aguilá.

<sup>13</sup> *Spouses Lopez v. Limos*, 780 Phil. 113, 122 (2016) [Per J. Perlas-Bernabe, *En Banc*].

“Good moral character is a trait that every practicing lawyer is required to possess. It may be defined as ‘what a person really is, as distinguished from good reputation, or from the opinion generally entertained of him, or the estimate in which he is held by the public in the place where he is known. Moral character is not a subjective term but one which corresponds to objective reality.’ Such requirement has four (4) ostensible purposes, namely: (a) to protect the public; (b) to protect the public image of lawyers; (c) to protect prospective clients; and (d) to protect errant lawyers from themselves.”<sup>14</sup> Verily, lawyers are expected to maintain their good moral character “not only upon admission to the Bar but also throughout their legal career, in order to maintain their good standing in this exclusive and honored fraternity. They may [thus] be suspended from the practice of law or disbarred for any misconduct, even if it pertains to [their] private activities, as long as it shows [them] to be wanting in moral character, honesty, probity[,] or good demeanor.”<sup>15</sup>

In this case, respondent was charged with sexual harassment through the abuse of his seniority, authority, influence, and moral ascendancy over complainant, which deeply offended the latter and left lasting traumatic effects on her person. “Sexual harassment in the workplace is not about a man taking advantage of a woman by reason of sexual desire — it is about power being exercised by a superior officer over his women subordinates.”<sup>16</sup> The essence of sexual harassment is not the violation of the victim’s sexuality but rather the abuse of power and authority by the offender manifested through sexually-charged conduct or one filled with sexual undertones.<sup>17</sup>

It is undisputed that respondent held a higher position as a senior partner of the firm as opposed to complainant who was a mere junior associate at the time the complained acts occurred. As such, he exercised authority, influence, moral ascendancy, and seniority over the latter, which he himself admitted during the mandatory conference in the case.<sup>18</sup>

In *Tumbaga v. Teoxon*,<sup>19</sup> the Court, through Associate Justice Teresita J. Leonardo-De Castro, instructed that a lawyer facing accusations of impropriety and the evidence offered against him is duty-bound to meet the same decisively head-on, *viz.*:

While the burden of proof is upon the complainant, respondent has the duty not only to himself but also to the court to show that he is morally fit to remain a member of the bar. Mere denial does not suffice. Thus, when

<sup>14</sup> *Reyes v. Nieva*, 794 Phil. 360, 367 (2016) [Per J. Perlas-Bernabe, *En Banc*]. (Citation omitted)

<sup>15</sup> *Id.* at 368, citing *Advincula v. Macabata*, 546 Phil. 431, 440 (2007) [Per J. Chico-Nazario, Third Division].

<sup>16</sup> *Valdez v. Dabon, Jr.*, 773 Phil. 109, 136 (2015) [*Per Curiam, En Banc*].

<sup>17</sup> *Re: Anonymous Complaint Against Atty. Cresencio P. Co Untian, Jr.*, 851 Phil. 352, 360 (2019) [Per J. J. Reyes, Jr., *En Banc*].

<sup>18</sup> *See rollo*, pp. 201 and 217.

<sup>19</sup> 821 Phil. 1 (2017) [Per J. Leonardo-De Castro, *En Banc*].

his moral character is assailed, such that his right to continue practicing his cherished profession is imperiled, he must meet the charges squarely and present evidence, to the satisfaction of the investigating body and this Court, that he is morally fit to have his name in the Roll of Attorneys. . . .<sup>20</sup>

Respondent miserably failed in this regard. A careful scrutiny of respondent's Answer and Position Paper<sup>21</sup> would show that he substantially admitted the accusations against him, and merely attempted to downplay the same by claiming that they were misinterpreted, taken out of context, or unintended to be sexual. However, his defense is belied by: (a) the very nature of the acts complained of; (b) his awareness that his behavior was inappropriate; and (c) the fact that such behavior persisted for a considerable period of time that made complainant feel "extremely uncomfortable and offended,"<sup>22</sup> "thoroughly disgusted,"<sup>23</sup> "unsafe,"<sup>24</sup> "ashamed and violated,"<sup>25</sup> "very embarrassed and uncomfortable,"<sup>26</sup> and "highly offended,"<sup>27</sup> to the point that she was compelled to tender her resignation.

As a senior partner in a law firm, respondent ought to know that junior associates – whose legal careers are just starting – would naturally look up to him. They would place their trust in him by seeking mentorship and professional growth under his wing. Unfortunately for complainant, respondent breached such trust by exhibiting reprehensible conduct constituting sexual harassment, and even tried to exculpate himself from administrative liability by claiming that he was just "misinterpreted" and/or "taken out of context." As it is, respondent's acts created an intimidating, hostile, or offensive working environment for the complainant, so much so that it necessitated her seeking psychotherapy treatment as a consequence. Irrefragably, respondent's inexcusable behavior constitutes a violation of Rule 1.01, Canon 1 and Rule 7.03, Canon 7 of the CPR which should never be countenanced under any circumstance whatsoever.

Respondent's administrative liability having been established, the Court now looks into the proper penalty to be imposed on him.

Jurisprudence provides that in similar administrative cases where the lawyer exhibited immoral conduct, the Court meted penalties ranging from reprimand to disbarment. In *Advincula v. Macabata*,<sup>28</sup> the lawyer was reprimanded for his distasteful act of suddenly turning the head of his female client towards him and kissing her on the lips. In *De Leon v. Pedreña*,<sup>29</sup> the lawyer was suspended from the practice of law for a period of two (2) years

<sup>20</sup> *Id.* at 18, citing *Narag v. Narag*, 353 Phil. 643, 659 (1998) [*Per Curiam, En Banc*].

<sup>21</sup> *Rollo*, pp. 34–44 and 161–179.

<sup>22</sup> *Id.* at 4 and 199.

<sup>23</sup> *Id.* at 5 and 202.

<sup>24</sup> *Id.* at 5.

<sup>25</sup> *Id.* at 5 and 209.

<sup>26</sup> *Id.* at 5.

<sup>27</sup> *Id.* at 6 and 211.

<sup>28</sup> 546 Phil. 431 (2007) [*Per J. Chico-Nazario, Third Division*].

<sup>29</sup> 720 Phil. 12 (2013) [*Per J. Bersamin, En Banc*].

when he rubbed the female complainant's right leg with his hand, tried to insert his finger into her firmly closed hand, grabbed her hand and forcibly placed it on his crotch area, and pressed his finger against her private part. In *Reyes v. Nieva*,<sup>30</sup> suspension from the practice of law for a period of two (2) years was meted on a lawyer who, finding himself late at night in the office with a subordinate, suddenly grabbed the latter's arm, uttered the words "let's seal it with a kiss," and attempted to kiss her despite her resistance. In *Re: Anonymous Complaint Against Atty. Cresencio P. Co Untian, Jr.*,<sup>31</sup> a law professor was suspended from the practice of law for five (5) years for showing lewd images to one of his students in the hallway where other students were present, sending unwelcome flirtatious text messages to another student, and uttering a gross, graphic and insensitive remark during another student's class recitation. While in *Guevarra v. Eala*<sup>32</sup> and *Valdez v. Dabon*,<sup>33</sup> the Court meted the extreme penalty of disbarment on the erring lawyers who engaged in extramarital affairs.

The Court takes judicial notice of the heightened sensitivity of the people to gender-related issues as manifested through legislative issuances, and administrative rules implementing the same. Thus, in *Vedaña v. Valencia*,<sup>34</sup> the Court acknowledged the need to provide women with a working environment conducive to productivity and befitting their dignity as no less than the Constitution itself has expressly recognized the invaluable contributions of the women's sector to national development.

In the present case, after circumspect review of the totality of the circumstances, taking into consideration the nature or character of respondent's complained acts, the frequency of occurrence of the said acts throughout the two-year period he worked with complainant, the degree of his moral influence or ascendancy over complainant, and the effect of his acts on complainant, the Court deems it proper to impose upon respondent the penalty of suspension from the practice of law for a period of two (2) years, instead of one (1) year as recommended by the IC.

Here, respondent exhibited his immoral behavior through his **persistent sexually-charged acts** against complainant over a two-year period in **abuse of the power and authority** he possessed over her, thus creating an **offensive environment** which deeply **prejudiced** her. Despite some self-awareness, his inappropriate behavior persisted, leading to the emotional toll on complainant who had to seek psychotherapy treatment as a result of his acts. Thus, the fact that he now apologizes to complainant cannot overshadow the gravity of his improper acts in light of his indifferent and impervious attitude to complainant's feelings. Notably, he failed to

---

<sup>30</sup> 794 Phil. 360 (2016) [Per J. Perlas-Bernabe, *En Banc*].

<sup>31</sup> 851 Phil. 352 (2019) [Per J. J. Reyes, Jr., *En Banc*].

<sup>32</sup> 555 Phil. 713 (2007) [*Per Curiam, En Banc*].

<sup>33</sup> 773 Phil. 109 (2015) [*Per Curiam, En Banc*].

<sup>34</sup> 356 Phil. 317 (1998) [Per J. Davide, First Division].

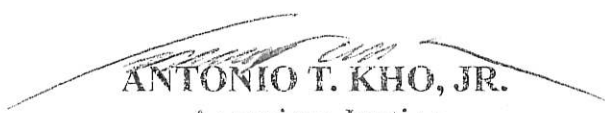
refute complainant's allegation that he expressly told her that "he 'didn't care' that she had become 'numb' to her consistent exposure to [his] green/lewd jokes and immoral behavior."

**ACCORDINGLY**, respondent Atty. Jon Michael P. Alamis (respondent) is found **GUILTY** of violating Rule 1.01, Canon 1 and Rule 7.03, Canon 7 of the Code of Professional Responsibility. He is hereby **SUSPENDED** from the practice of law for a period of two (2) years, effective upon the finality of this Decision, with a **STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.

The suspension in the practice of law shall take effect immediately upon receipt of this Decision by respondent. Respondent is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Decision be furnished to: (1) the Office of the Bar Confidant to be appended to respondent's personal record as an attorney; (2) the Integrated Bar of the Philippines for its information and guidance; and (3) the Office of the Court Administrator for circulation to all courts in the country.

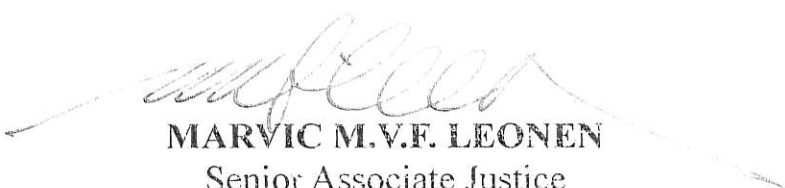
**SO ORDERED.**



**ANTONIO T. KHO, JR.**

Associate Justice

**WE CONCUR:**



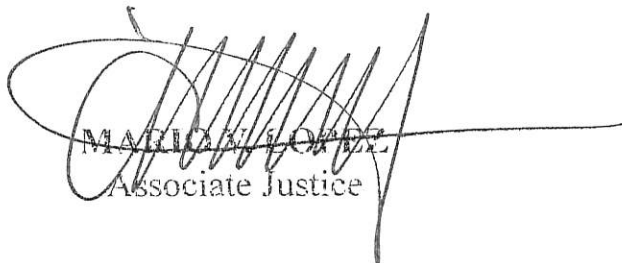
**MARVIC M.V.F. LEONEN**

Senior Associate Justice  
Division Chairperson



**AMY C. LAZARO-JAVIER**

Associate Justice



**MARICEL LOPEZ**

Associate Justice



**JHOSEP LOPEZ**

Associate Justice