

Rules of Procedure of the Commission on Bar Discipline Integrated Bar of the Philippines

RULE I TITLE AND CONSTRUCTION

SECTION 1. Title of the Rules. These Rules shall be known as the Rules of Procedure of the Commission on Bar Discipline, Integrated Bar of the Philippines.

SEC. 2. Construction. Subject to the requirements of due process, these Rules shall be construed with the objective of assisting any party in obtaining just resolution of his case through an expeditious and inexpensive proceeding before the Commission.

SEC. 3. Suppletory Application of Rules of Court. In the absence of any applicable provision in these Rules or in Rule 139-B, the pertinent provisions in the Revised Rules of Court of the Philippines may, in the interest of expeditious justice and whenever practicable and convenient, be applied in a suppletory character and effect.

SEC. 4. Nature of Proceeding. Proceedings before the Commission shall be confidential in character and summary in nature.

RULE II HOW INSTITUTED

SECTION 1. How Instituted. Complaint for disbarment, suspension or discipline of attorneys may be instituted before the Commission on Bar Discipline by filing six (6) copies of a verified complaint. Complaint may be likewise filed before the Supreme Court.

RULE III PLEADINGS, NOTICES AND APPEARANCES

SECTION 1. Pleadings. The only pleadings allowed are verified complaint, verified answer and verified position papers and motion for reconsideration of a resolution.

SEC. 2. Prohibited Pleadings. The following pleadings shall not be allowed, to wit:

- a. Motion to dismiss the complaint or petition
- b. Motion for a bill of particulars
- c. Motion for new trial
- d. Petition for relief from judgment
- e. Supplemental pleadings

SEC. 3. Issuance of Summons. Within two (2) days from receipt of the verified complaint, the commission shall issue the required summons, attaching thereto a copy of the complaint and supporting documents, if any. The summons shall indicate that the respondent has fifteen (15) days from receipt within which to file six (6) verified copies of his answer.

RULE IV VENUE AND ASSIGNMENT OF CASES

SECTION 1. Venue a) All cases filed before or referred to the Integrated Bar of the Philippines shall be heard by the Commission on Bar Discipline in its principal office at the IBP Bldg., Julia Vargas St., Ortigas Center, Pasig City.

SEC. 2. Raffle of Cases. All cases shall be assigned to an Investigating Commissioner by raffle.

SEC. 3. Consolidation of Cases. Where there are two or more cases pending before the Commission involving the same parties, the same shall motu proprio be consolidated with the first case filed to avoid unnecessary costs or delay.

SEC. 4. Referral to Chapter President. Upon agreement of parties or upon motion based on meritorious ground, the Investigating Commissioner, upon endorsement of the Board of Governors, may refer to the Chapter President concerned reception of evidence from the complainant or respondent or their respective witnesses. Such evidence shall then be forwarded by the Chapter President to the Investigating Commissioner for evaluation and consideration in the preparation of his report and recommendation.

RULE V PROCEEDINGS BEFORE COMMISSION ON BAR DISCIPLINE

SECTION 1. Mandatory Conference. Immediately upon receipt of the verified answer, the Investigating Commissioner shall set a mandatory conference where, the following matters shall be taken:

1. Admissions
2. Stipulation of facts
3. Definition of issues

SEC. 2. Submission of Position Papers. After the mandatory conference, the Investigating Commissioner shall direct both parties to submit simultaneously their verified position papers with supporting documents and affidavits within an inextendible period of ten (10) days from notice of termination of the mandatory conference.

SEC. 3. Determination of Necessity of Clarificatory Questioning. Immediately after the submission by the parties of their position papers, the Investigating Commissioner shall determine whether there is a need to conduct clarificatory questioning. If necessary, a hearing date shall be set wherein the Investigating Commissioner shall ask clarificatory questions to the parties or their witnesses to further elicit facts or informations.

SEC. 4. Minutes of Proceedings. The proceedings before the Commission shall be recorded.

SEC. 5. Non-appearance of Parties, and Non-verification of Pleadings. a) Non-appearance at the mandatory conference or at the clarificatory questioning date shall be deemed a waiver of right to participate in the proceeding. Ex parte conference or hearings shall then be conducted. Pleadings submitted or filed which are not verified shall not be given weight by the Investigating Commissioner.

SEC. 6. Issuance of an Order Submitting the Case for Decision. After the parties have submitted their position papers or after the clarificatory questioning date, the Investigating Commissioner shall issue an order expressly declaring the submission of the case for resolution.

SEC. 7. Period to Resolve Case. The Investigating Commissioner shall submit his report and recommendation to the Board of Governors within thirty (30) calendar days from the date the order declaring the submission of the case for resolution was issued.

RULE VI OATH, SUBPOENA AND SERVICE OF PAPERS

SECTION 1. Oaths. A Commissioner has the authority to administer oaths on the conduct of the proceedings before him/her.

SEC. 2. Subpoena. The Investigating Commissioner may compel attendance of witnesses and production of pertinent documents or papers by subpoena.

SEC. 3. Service of Papers. Service of papers or notices required by these rules shall be made upon the parties or Commission, personally, by registered mail with return card or through e-mail if applicable.

RULE VII CONTEMPT

SECTION 1. Contempt. The Investigating Commissioner has the authority to adjudge any party or witness in direct or indirect contempt for misbehavior or obstruction of proceedings including disrespect towards the Investigating Commissioner or disobedience to his lawful order or writ. Any person adjudged guilty of contempt may be fined not exceeding One Thousand Pesos (P1,000.00).