



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated December 7, 2020, which reads as follows:

A.C. No. 10420 [Formerly CBD Case No. 15-4500] (*Eduardo S. Ramos v. Atty. Felimon C. Abelita III*). — Disbarment or suspension charges against a member of the bar must be established by substantial evidence; otherwise, the presumption that he or she is innocent of the charges and has performed his or her duty as an officer of the court in accordance with his oath stands.

The Case

This administrative matter pertains to a Disbarment Complaint¹ filed by Eduardo S. Ramos (complainant) against Atty. Felimon C. Abelita III (respondent) in his capacity as Investigating Commissioner of the Commission on Bar Discipline, for allegedly asserting falsehood and manifesting gross ignorance of the law in his Report and Recommendation dated February 22, 2012 to the Integrated Bar of the Philippines (IBP) Board of Governors in CBD Case No. 06-1658,² in violation of the Lawyer's Oath and the Code of Professional Responsibility (CPR).

The Antecedents

Sometime in 2006, complainant filed a disbarment complaint against Attys. Joseph B. Sagandoy, Jr. and Edwardson L. Ong (Attys. Sagandoy, Jr. and Ong) before the Commission on Bar Discipline of the IBP, docketed as CBD Case No. 06-1658. Complainant charged them with grave misconduct for allegedly misleading the Professional Regulation Commission (PRC) by making untruthful statements in their manifestation and motion to quash, with deliberate intent to frustrate service of subpoena, in Adm. Case No. 660 (PRC Case). According to complainant, Attys. Sagandoy, Jr. and Ong made

¹ *Rolla*, pp. 1-5

² Entitled "*Eduardo S. Ramos v. Attys. Joseph B. Sagandoy, Jr. and Edwardson L. Ong*."

it appear that the address of the two corporations they represented in the PRC Case was in Bataan, contrary to the Makati City address indicated in the General Information Sheets (GIS) of the said corporations. Consequently, the complaint was assigned to respondent as the Investigating Commissioner for investigation and report.³

On February 22, 2012, respondent issued his Report and Recommendation⁴ (Report, for brevity) recommending the dismissal of CBD Case No. 06-1658 for lack of merit. Respondent ruled in this wise:

The complaint must be dismissed for lack of merit.

1. The complainant did not present the subpoena by the PRC to show the address of the corporations which were directed to produce certain documents. It is the subpoena which is the best evidence to prove the issue of address rather than the unauthenticated copy of the GIS of the corporations which are not admissible in evidence. In fact, all the documents that the complainant submitted to the Commission are unauthenticated copies; and

2. The Complainant was not able to comply with the requirement of personal knowledge in the verification as he does not appear to be a party in the case before the PRC but one Alfredo S. Ramos.

WHEREFORE, finding no basis to impose administrative penalty upon respondents, undersigned commissioner hereby recommends the DISMISSAL of the Complaint against respondents Atty. Joseph B. Sagandoy, Jr. and Atty. Edwardson L. Ong.⁵ (Underscoring supplied)

On April 23, 2014, complainant filed with the Court the instant disbarment complaint imputing falsehood to respondent's Report, as well as gross ignorance of the law, in dismissing his complaint based on technicality.⁶

Firstly, complainant asserted that respondent did not thoroughly study CBD Case No. 06-1658 when he failed to consider the documents attached by Attys. Sagandoy, Jr. and Ong in their Answer in the PRC case, namely: (a) the PRC subpoenas indicating Bataan as common address of the two corporations, and (b) the GIS of the two corporations showing that the corporations' principal offices were located in Makati City. Complainant contended that he cannot be faulted for failing to attach the PRC subpoenas and the authenticated copies of the GIS in his Complaint, as the existence of these documents were already judicially admitted by Attys. Sagandoy, Jr. and Ong in their Answer.⁷ Secondly, complainant argued that he need not be a party to the PRC case in order to have personality to file an administrative case against Attys. Sagandoy, Jr. and Ong, arguing that the

³ *Rollo*, p. 6.

⁴ *Id.* at 6-7.

⁵ *Id.*

⁶ *Id.* at 67.

⁷ *Id.* at 44-49.

Rules merely require that he verify that he has personal knowledge of the allegations in his complaint as true and correct.⁸

Lastly, complainant sought to establish what he described as respondent's "bad moral character," viz.:

1. That as Judge of Masbate RTC Branch 44, respondent was charged with *illegal possession of firearm* x x x and *frustrated murder* before the Masbate Regional Trial Court;
2. That respondent was also charged before the Supreme Court with *abuse of authority, grave misconduct, oppression and harassment; serious misconduct and unbecoming a judge*; and
3. That the Supreme Court found respondent *guilty* of conduct *unbecoming a member of the judiciary*, the Court dismissed him from service *with forfeiture of all benefits and with prejudice* to reemployment in any other branch, instrumentality or agency of the government, including government-owned and controlled corporations.⁹(Citation omitted)

Averring that respondent "cannot be entrusted with the administration of justice,"¹⁰ complainant sought for his disbarment or suspension.

In his Comment,¹¹ respondent denied having asserted any falsehood in his Report to the IBP Board of Governors. He maintained that it was true that the subpoena issued by the PRC was not attached to complainant's Complaint or Position Paper in CBD Case No. 06-1658; that the three GIS attached to the Complaint as annexes were unauthenticated copies; and that the records showed that complainant lacked personal knowledge of the PRC case, as he was not present during its deliberations or proceedings. Respondent argued that he made his recommendation under such circumstances, i.e., the best evidence to show the address indicated in the subpoena was the subpoena itself, the unauthenticated copies of the GIS are inadmissible in evidence, and complainant failed to comply with the requirement of personal knowledge in the verification of his Complaint.¹²

On the other hand, respondent characterized the subject Complaint as a personal attack against him. He claimed that the criminal charges adverted to by complainant had long been dismissed. As regards the administrative case dismissing him from government service, respondent averred that the same had been resolved by the Court on August 10, 2012, which granted his plea for judicial clemency, and mentioned his service as Commissioner of the IBP Commission on Bar Discipline.¹³

⁸ Id. at 2-3.

⁹ Id. at 3.

¹⁰ Id.

¹¹ Id. at 9-11.

¹² Id. at 9.

¹³ Id. at 9-11.

Lastly, respondent claimed that in Resolution No. XX-2013-109, the IBP Board of Governors adopted and approved his Report. To respondent, his findings and recommendation had, thus, become the official act of the IBP Board of Governors holding the same as being supported by the facts, law and jurisprudence.¹⁴

On November 12, 2014, the Court referred the case to the Commission on Bar Discipline of the IBP (hereinafter, "Commission").¹⁵

On February 1, 2016, the Commission required the parties to submit their respective position papers.¹⁶

In his Position Paper,¹⁷ complainant maintained that respondent violated the Lawyer's Oath, Rules 1.01, 10.01, and 10.02 of the CPR¹⁸ for asserting falsehoods in his Report; and Canons 10 and 12 of the CPR¹⁹ for failing to observe fairness and good faith in exercising his function as the Investigating Commissioner in CBD Case No. 06-1658.

For his part, respondent invoked Resolution No. XX-2013-109²⁰ dated September 28, 2013 and Resolution No. XXI-2014-409²¹ dated August 8, 2014 issued by the IBP Board of Governors, which adopted and approved his Report, and denied complainant's related motion for reconsideration, respectively. Respondent maintained that complainant's disbarment complaint, which was hinged on the alleged falsehoods contained in his Report, lacked basis, as the IBP Board of Governors already ruled that his findings were supported by facts, law and jurisprudence.²²

Report and Recommendation of the IBP

In its Report and Recommendation²³ dated July 29, 2016, the Commission dismissed the case against respondent, viz:

¹⁴ Id. at 10.

¹⁵ Id. at 14.

¹⁶ Id. at 34.

¹⁷ Id. at 36-41.

¹⁸ Rule 1.01. -- A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Rule 10.01. -- A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

Rule 10.02. -- A lawyer shall not knowingly misquote or misrepresent the contents of a paper, the language or the argument of opposing counsel, or the text of a decision or authority, or knowingly cite as law a provision already rendered inoperative by repeal or amendment, or assert as a fact that which has not been proved.

¹⁹ CANON 10. -- A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

CANON 12. -- A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

²⁰ *Rollo*, p. 58; Per Notice of Resolution issued by the IBP Board of Governors.

²¹ Id. at 59.

²² Id. at 52-55.

²³ Id. at 67-76.

WHEREFORE, the undersigned Commissioner hereby recommends that this case for disbarment or suspension against Atty. Felimon C. Abelita, III be **DISMISSED**.²⁴

Observing that the subject Disbarment Complaint against respondent stemmed from his Report in CBD Case No. 06-1658, the Commission underscored that respondent merely did his work as Investigating Commissioner when he recommended the dismissal of the disbarment case against Attys. Sagandoy, Jr. and Ong.²⁵ The Commission held that the errors adverted to by complainant in respondent's Report had been independently passed upon and reviewed by the IBP Board of Governors. To the Commission, the IBP Board of Governors' approval of respondent's findings as supported by facts, law and jurisprudence, negated complainant's imputation of falsehoods and gross ignorance of the law.²⁶

Lastly, the Commission did not accord weight to complainant's invocation of respondent's past criminal and administrative cases, holding that the same had nothing to do with respondent's Report.²⁷

On August 23, 2017, the Court issued a Resolution requiring the IBP to submit a status report of the present case.²⁸

On February 24, 2020, the Court issued a Resolution noting the IBP Board of Governors' Notice of Resolution No. XXII-2016-661 dated November 29, 2016, stating that the IBP Board of Governors adopted the findings of fact and recommendation of the Commission, and dismissed the Complaint for disbarment or suspension against respondent for absence of weighty reason.²⁹

Issue

Should respondent be held administratively liable in relation to his Report recommending the dismissal of the disbarment case against Attys. Sagandoy, Jr. and Ong in CBD Case No. 06-1658?

The Court's Ruling

The Court adopts the findings and recommendation of the Commission and the IBP Board of Governors.

In administrative cases for disbarment or suspension against a member of the Bar, the complainant bears the burden of proof to satisfactorily prove the allegations in his/her complaint through substantial

²⁴ Id. at 76.

²⁵ Id. at 71.

²⁶ Id. at 74-75.

²⁷ Id. at 75-76.

²⁸ Id. at 82.

²⁹ Id. at 83.

evidence,³⁰ that is, such “relevant evidence as a reasonable mind will accept as adequate to support a conclusion.”³¹ Upon failure to discharge this burden by the complainant, the presumption of innocence stands in favor of the respondent lawyer.³²

The Court agrees with the IBP that complainant failed to discharge the burden of proving the administrative violations of respondent in relation to his Report to the IBP Board of Governors in CDB Case No. 06-1658.

The complaint for disbarment is anchored on the alleged violation by respondent of the Lawyer’s Oath, and Rules 1.01, 10.01, and 10.02, and Canons 10 and 12 of the CPR, *viz.*:

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

Rule 10.01 – A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

Rule 10.02 – A lawyer shall not knowingly misquote or misrepresent the contents of a paper, the language or the argument of opposing counsel, or the text of a decision or authority, or knowingly cite as law a provision already rendered inoperative by repeal or amendment, or assert as a fact that which has not been proved.

CANON 10 – A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

CANON 12 – A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE. (Underscoring supplied)

Complainant maintains that respondent violated the foregoing provisions by asserting falsehoods in his Report, thereby misleading the IBP Board of Governors and the Court. Complainant further argues that respondent failed to observe fairness and good faith in erroneously recommending for the dismissal of the disbarment complaint against Attys. Sagandoy, Jr. and Ong based on technicality.

Complainant’s position is devoid of merit and basis.

Relevant to the nature of the report and recommendation of the investigating commissioner, as well as that of the IBP Board of Governors, in administrative complaints against lawyers is Section 12, Rule 139-B of the Rules of Court, which provides:

³⁰ See *Reyes v. Nieva*, 794 Phil. 360, 378 (2016).

³¹ *De Jesus v. Guerrero III*, 614 Phil. 520, 528-529 (2009).

³² *Id.*

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. The decision of the Board upon such review shall be in writing and shall clearly and distinctly state the facts and the reasons on which it is based. It shall be promulgated within a period not exceeding thirty (30) days from the next meeting of the Board following the submittal of the Investigator's report.

b) If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action.

c) If the respondent is exonerated by the Board or the disciplinary sanction imposed by it is less than suspension or disbarment (such as admonition, reprimand, or fine) it shall issue a decision exonerating respondent or imposing such sanction. The case shall be deemed terminated unless upon petition of the complainant or other interested party filed with the Supreme Court within fifteen (15) days from notice of the Board's resolution, the Supreme Court orders otherwise.

d) Notice of the resolution or decision of the Board shall be given to all parties through their counsel. A copy of the same shall be transmitted to the Supreme Court.

Clear from the foregoing provision is that the report of the investigating commissioner is merely recommendatory, as the same is subject to independent evaluation by the IBP Board of Governors, which has the power to reverse, modify or adopt his/her recommendation, as may be warranted by the facts of the case. In turn, the report and recommendation of the IBP Board of Governors will have to be evaluated by the Court for final resolution.

In this case, the IBP Board of Governors did not only approve and adopt respondent's Report, it, likewise, denied complainant's related motion for reconsideration. Considering that the IBP Board of Governors already made a pronouncement, after its independent evaluation of the case, that respondent's findings were "*fully supported by the evidence on record and the applicable laws and rules and considering that the complaint lacks merit,*"³³ complainant's imputation of gross ignorance of the law to respondent and falsehoods to his Report, lacks factual and legal mooring. How respondent could be held personally answerable or accountable, under pain of disbarment or suspension, for the exercise of his function as Investigating Commissioner, whose findings and recommendation were sustained by the IBP Board of Governors, baffles the Court.

It bears underscoring that complainant already availed of the opportunity to question what he perceived as grave errors committed by respondent in recommending the dismissal of CBD Case No. 06-1658, when

³³ *Rollo*, p. 58.

he (complainant) filed a motion for reconsideration before the IBP Board of Governors. Indeed, complainant's act of seeking respondent's disbarment or suspension, even before the IBP Board of Governors could resolve his motion for reconsideration, based on the same factual milieu and assigned errors in CBD Case No. 06-1658, as well as on respondent's purported bad moral character, evinces his real intention, that is, to get even with respondent. The Court cannot allow such trivialization of the sanction of disbarment. Complainant had simply no legal or factual basis for his disbarment complaint against respondent.

The Court consistently reminds that administrative proceedings brought against lawyers for acts in the exercise of their profession are not alternatives to reliefs that may be sought and obtained from the proper offices.³⁴ The Court's exercise of its disciplinary power over members of the Bar is not only aimed at preserving the integrity and reputation of the law profession, but also at shielding lawyers, in general, they being officers themselves of the Court.³⁵ In fine, any complaint for disbarment or other disciplinary sanction predicated on frivolous matters, as here, should be dismissed, where its plain objective is clearly shown to harass or get even with respondent lawyer.³⁶

WHEREFORE, the Court **DISMISSES** the complaint against Atty. Felimon C. Abelita III for utter lack of merit.

SO ORDERED.

By authority of the Court

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
Misael

Mr. Eduardo S. Ramos
Complainant
821 Sto. Cristo St., Binondo
1000 Manila

Atty. Felimon C. Abelita III
Respondent
IBP Commission on Bar Discipline
Dona Julia Vargas Avenue, Ortigas Center
1605 Pasig City

Atty. Rosita M. Requillas-Nacional
Deputy Clerk of Court & Bar Confidant
OFFICE OF THE BAR CONFIDANT
Supreme Court, Manila

³⁴ *Domingo v. Atty. Palmarte*, 797 Phil. 581, 590 (2016).

³⁵ *Id.*

³⁶ *Id.*

Atty. Randall C. Tabayuyong
Director for Bar Discipline
INTEGRATED BAR OF THE PHILIPPINES
Dona Julia Vargas Avenue
Ortigas Center, 1600 Pasig City

JUDICIAL & BAR COUNCIL
Supreme Court, Manila

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[research_philja@yahoo.com]

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