



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 15, 2020 which reads as follows:

“A.C. No. 11270 [Formerly CBD Case No. 16-5212] – RONNIE F. FAULVE, complainant, versus ATTY. ROSA ELMINA CATACUTAN-VILLARIN, respondent.

Complainant Ronnie F. Faulve (Faulve) files this disbarment case against Atty. Rosa Elmina Catacutan-Villarín (Atty. Catacutan-Villarín), the City Prosecutor of Imus, Cavite, for inhibiting in five criminal complaints filed by Faulve and for referring said cases to the Office of the Regional Prosecutor in San Pablo City, Laguna for appropriate action via an Indorsement dated December 2, 2015. Faulve alleges that Atty. Catacutan-Villarín exhibited rudeness in her Indorsement and her acts violated the rules on inhibition and venue. He further accuses Atty. Catacutan-Villarín of having been motivated by monetary consideration.¹

Faulve also faults Atty. Catacutan-Villarín for the non-filing of an information in I.S. No. IV-03-INV-10B-0549 for slight physical injuries and light threats where Faulve was also a complainant.²

In a Resolution³ dated June 28, 2016, the Court referred the complaint to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation. Thereafter, the IBP Commission on Bar Discipline (IBP-CBD) ordered Atty. Catacutan-Villarín to file her answer to the complaint, with which she complied. The IBP later set the case for mandatory conference and only Atty. Catacutan-Villarín appeared. When the mandatory conference was

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¹ *Rollo*, pp. 147-148.

² *Id.* at 2, 148.

³ *Id.* at 52.

terminated and the parties were asked to file their position papers, it was also only Atty. Catacutan-Villarín who complied with the directive of the IBP.⁴

In her defense, Atty. Catacutan-Villarín denies the charges against her, maintaining that there was nothing irregular about her inhibition from the criminal complaints. She explains that it was a voluntary act in light of several administrative complainants Faulve had filed against her before the Office of the Ombudsman when she was still the Reviewing Prosecutor of the Office of the Provincial Prosecutor of Cavite. She points out that Faulve did not complain about her inhibition and Indorsement then, and only did so when the Office of the Regional Prosecutor in San Pablo, Laguna dismissed the cases.⁵

Atty. Catacutan-Villarín explains further that she merely reviewed, for the ultimate approval of the Provincial Prosecutor, the resolution of the Investigating Prosecutor in I.S. No. IV-03-INV-10B-0549.⁶

In his Report and Recommendation,⁷ the Investigating Commissioner of the IBP-CBD recommends the dismissal of the complaint, noting that it was a mere harassment suit because of the palpable lack of merit of the case.⁸ The Investigating Commissioner found nothing wrong with the acts of Atty. Catacutan-Villarín. On account of the previous administrative complaint Faulve filed against her, Atty. Catacutan-Villarín inhibited from the conduct of the preliminary investigation of the criminal cases Faulve filed and referred them instead to the Office of the Regional Prosecutor in San Pablo, Laguna so as to bar any imputation of partiality, bias, or prejudice against him. The IBP-CBD held that Atty. Catacutan-Villarín acted in good faith and in keeping with the tenets that prosecutors must not only act with fairness and impartiality, but must also be perceived to be the embodiment of these qualities.⁹

In its Notice of Resolution¹⁰ dated May 27, 2019, the IBP Board of Governors (IBP-BOG) resolved to adopt the findings of fact and recommendation of the Investigating Commissioner to dismiss the complaint.

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⁴ Id. at 146-147.

⁵ Id. at 74-75, 148-149.

⁶ Id. at 148.

⁷ Id. at 146-152. Rendered by Commissioner Romualdo A. Din, Jr.

⁸ Id. at 152.

⁹ Id. at 150.

¹⁰ Id. at 144-145.

The Court dismisses the complaint for lack of jurisdiction. The Court, in the fairly recent cases of *Alicias, Jr. v. Macatangay*¹¹ (*Alicias*) and *Trovela v. Robles*¹² (*Trovela*), has laid down the rule that the accountability of lawyers performing or discharging their official duties as lawyers of the Government is always to be differentiated from their accountability as members of the Philippine Bar. Thus, the IBP has no jurisdiction to investigate government lawyers charged with administrative offenses involving the performance of their official duties.

Clearly, the allegations in the complaint arose from the performance or discharge of official duties of Atty. Catacutan-Villarín as the City Prosecutor of Imus, Cavite, as these allegations revolve on her inhibition from the criminal complaints Faulve filed before her office. Following *Trovela*, therefore, the authority to discipline Atty. Catacutan-Villarín is lodged with her superior, the Secretary of Justice or to the Office of the Ombudsman, which similarly exercises disciplinary jurisdiction over prosecutors as public officials pursuant to Section 15, paragraph 1 of Republic Act No. 6770 (Ombudsman Act of 1989), to wit:

SECTION 15. *Powers, Functions and Duties.* – The Office of the Ombudsman shall have the following powers, functions and duties:

(1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the *Sandiganbayan* and, in the exercise of this primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases[.]

The power of the Office of the Ombudsman provided in Section 15 of the Ombudsman Act of 1989 is, in turn, lifted from Article XI, Section 13, paragraph (1)¹³ of the 1987 Constitution. Thus, in *Alicias*, the Court held that the Office of the Ombudsman is the government agency responsible for enforcing administrative, civil,

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¹¹ A.C. No. 7478, January 11, 2017, 814 SCRA 96, 103.

¹² A.C. No. 11550, June 4, 2018, 864 SCRA 1, 7.

¹³ SECTION 13. The Office of the Ombudsman shall have the following powers, functions, and duties:


(1) Investigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient.

and criminal liability of government officials “in every case where the evidence warrants in order to **promote efficient service by the Government to the people.**”¹⁴ The Court went on to elaborate that the jurisdiction of the Ombudsman encompasses **all kinds of malfeasance, misfeasance, and non-feasance** committed by any public officer or employee during his or her tenure.¹⁵ Consequently, acts or omissions of public officials relating to the performance of their functions as government officials are within the administrative disciplinary jurisdiction of the Office of the Ombudsman.¹⁶

WHEREFORE, the administrative complaint against Atty. Rosa Elmina Catacutan-Villarin is **DISMISSED** for lack of jurisdiction on the part of the Integrated Bar of the Philippines.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *m1014*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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Mr. Ronnie F. Faulve
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Atty. Rosa Elmina Catacutan-Villarin
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Imus, 4103 Cavite

Integrated Bar of the Philippines
1605 Pasig City

Office of the Bar Confidant (x)
Supreme Court

Public Information Office (x)
Library Services (x)
Supreme Court
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¹⁴ *Alicias, Jr. v. Macatangay*, supra note 11, at 102. Underscoring supplied; emphasis in the original.

¹⁵ *Id.*, citing *Samson v. Restrivera*, 662 Phil. 45 (2011).

¹⁶ *Id.* at 102-103.



