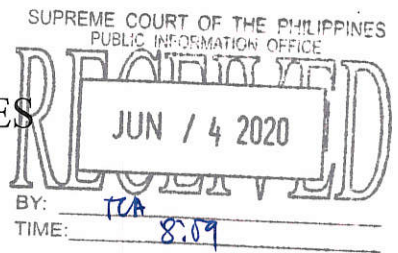




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **12 February 2020** which reads as follows:*

“A.C. No. 12474 (*Anthony Menorca vs. Atty. Danny F. Villanueva and Atty. Wilfredo M. Santos*). – For the Court’s resolution is the Complaint¹ dated April 27, 2016 filed by Anthony Menorca (complainant) against Atty. Danny F. Villanueva (Atty. Villanueva) and Atty. Wilfredo M. Santos (Atty. Santos; collectively, the respondents) with the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP). Complainant prays for the disbarment of the respondents for grave misconduct, deceit, dishonesty and violation of the Lawyer’s Oath.²

Antecedents

In his Complaint, the complainant narrated that on November 26, 2016, during the scheduled hearing of Sp. Proc. No. 15-134982,³ Legal Researcher Jonathan Felix R. Bien (Bien) of the Regional Trial Court (RTC) of Manila, Branch 5 informed the court that he received a phone call from the secretary of Atty. Rose Beatrix Cruz-Angeles (Atty. Angeles), notifying that Atty. Angeles and the respondents would be late. Consequently, the court called a recess and ordered the resumption of the hearing at 3:00 p.m.⁴

In the interim, Atty. Santos, lawyer of Iglesia ni Cristo (INC), allegedly barged into the staff room of the RTC and castigated Bien for failure to inform him of the call from Atty. Angeles’s secretary. Complainant alleged that Atty. Santos, who was not satisfied with having demeaned Bien, dared the latter to go outside, as if he was picking a fight.⁵

The court then conducted an inquiry on the incident when the hearing resumed at 3:00 p.m. Atty. Villanueva narrated the incident based on what

¹ *Rollo*, pp. 2-7.

² *Id.* at 2.

³ Complaint for writ of *amparo*, *habeas corpus*, and *habeas data* filed by Rosalie Yanson, Candido Yanson, Agapito Hona and Avelino Hona against Spouses Lowell Mercado Menorca II and Jinky Menorca, Dr. Angel Ong and Brig. General Rustico Guerrero.

⁴ *Rollo*, pp. 2-3.

⁵ *Id.* at 3.

02/10

he witnessed. When the court asked Atty. Villanueva to identify the person who confronted Bien, he denied knowing him.⁶

Complainant, however, believed that Atty. Villanueva, in fact, knew Atty. Santos as they were both members of the New Era University College of Law (NEUCL) Faculty and of the INC. He added that Atty. Villanueva's deception shows his lack of respect towards the Court and the law.⁷ As to Atty. Santos, the complainant contended that his use of intemperate language and belligerency cannot be justified and have no place in the dignity of judicial forum.⁸ Complainant, thus, posited that the respondents must be disbarred from the practice of law.⁹

In a Verified Answer,¹⁰ Atty. Villanueva argued that the complaint appears to be based only on Bien's written Manifestation¹¹ as the complainant was neither present during the hearing of the case nor around when the confrontation happened. Complainant, thus, was not in the position to present as fact his personal assessment of the incident. Atty. Villanueva also contended that the impression that Atty. Santos was insinuating a fight was merely Bien's personal assessment of Atty. Santos's utterances, as follows: "*HALIKA DITO SA LABAS, DOON TAYO MAG-USAP.*"¹²

Atty. Villanueva felt that, as an officer of the court, he ought to assist the court in understanding the context of the exchanges between Bien and Atty. Santos. He pointed out that his narration of the incident also jibed with that of Bien, excluding the latter's impression and personal assessment. He added that he only learned of Atty. Santos's full name through Bien's Manifestation. While they are both members of the INC, he registered as a member in the locale of Batasan Hills, Quezon City, while Atty. Santos is not. Moreover, he had relinquished his teaching position at the NEUCL when he joined government service as an executive assistant to the Philippine Regulation Commission Chairperson in 2011.¹³

For his part, Atty. Santos narrated that, during the hearing of Sp. Proc. No. 15-134982, Atty. Villanueva moved that a show cause order be issued for Atty. Angeles to explain her tardiness. The lawyer of the Marines then stood up and apprised the court of Atty. Angeles's whereabouts. Bien, despite knowing the information prior to the hearing, only informed the court after an exchange of manifestations between Atty. Villanueva and the

⁶ Id.

⁷ Id. at 3-4.

⁸ Id. at 6.

⁹ Id. at 3-4.

¹⁰ Id. at 33-37.

¹¹ Dated December 1, 2015; id. at 9-10.

¹² Id. at 34.

¹³ Id. at 34-36.

lawyer of the Marines ensued and when the court was about to rule on the motion.¹⁴

Atty. Santos clarified that the conversation between him and Bien happened at the courtroom during recess in the presence of other court personnel and employees. He averred that he did not castigate Bien but merely asked him why he did not inform them earlier that Atty. Angeles would be late. Bien appeared to be agitated and declared that the judge already knew about it. As Bien was raising his voice, Atty. Santos approached him and invited him to talk outside to avoid creating a scene inside the courtroom. Bien, however, misunderstood his invitation.¹⁵

Atty. Santos also admitted that he is a member of the NEUCL faculty and of the INC. Nonetheless, he pointed out that it does not necessarily follow that he and Atty. Villanueva have known each other personally. He claimed that the filing of the disbarment case against them was motivated by revenge as he represented the INC, which the complainant blamed for the illegal detention of his brother and family.¹⁶

Findings of the IBP Investigating Commissioner

In his Report and Recommendation¹⁷ dated February 23, 2017, the investigating commissioner found credence on the facts stated on Bien's Manifestation. He pointed out that given the circumstances surrounding the case, there was high probability that Atty. Santos would say and do what was alleged. As to Atty. Villanueva, the investigating commissioner found him guilty of dishonesty for denying that he knew Atty. Santos before the court, when in fact, he knew him fully well. Thus, he recommended that a penalty of reprimand be imposed upon the respondents.¹⁸

Findings of the IBP Board of Governors

On June 17, 2017, the IBP Board of Governors issued a Resolution¹⁹ reversing the investigating commissioner's recommendation. The Resolution reads:

RESOLUTION NO. XXII-2017-1248
CBD Case No. 16-4967
Anthony [sic] Menorca vs.
Atty. Danny F. Villanueva and
Atty. Wilfredo M. Santos

¹⁴ Id. at 42.

¹⁵ Id. at 44-45.

¹⁶ Id. at 45-46.

¹⁷ Rendered by Investigating Commissioner Eldrid C. Antiquiera; id. at 131-134.

¹⁸ Id. at 133-134.

¹⁹ Signed by National Secretary Patricia-Ann T. Prodigalidad; id. at 129-130.

RESOLVED to REVERSE the recommendations of the Investigating Commissioner and to DISMISS the complaint.

RESOLVED FURTHER to direct the CIBD Assistant Director Leo B. Malagar to prepare an extended resolution explaining the Board's action.²⁰ (Emphasis in the original)

In its Extended Resolution,²¹ the IBP Board of Governors, contrary to investigating commissioner's findings, held that the evidence submitted by the complainant shows that the degree of proof required in disbarment proceedings was not met.²² It observed that the complainant failed to submit his position paper before the IBP despite the Entry of Appearance of Cruz-Angeles and Paglinawan Law Firm as his counsel.²³ It also found that the investigating commissioner's findings were merely based on allegations, assumptions, conjectures, and disputable legal presumption.²⁴ Hence, it recommended the dismissal of the complaint against the respondents.²⁵

Ruling of the Court

The Court resolves to adopt the findings and recommendation of the IBP Board of Governors.

The Court is mindful of the gravity of the consequences of disbarment or suspension of a member of the Bar. Hence, a lawyer enjoys the legal presumption of innocence. For the Court to exercise its disciplinary powers, the complainant must prove the allegations in his complaint by convincing and satisfactory proof.²⁶ In the same vein, the complainant's failure to dispense the required standard of proof necessarily halts the Court from the imposition of disciplinary punishment.

Indisputably, the complainant did not witness the incident subject of his complaint. This was confirmed by Spouses Candido Yanson and Rosie Yanson in their *Sinumpaang Salaysay*²⁷ where they attested that the complainant arrived only after the incident had happened. Verily, the complainant's allegations were solely on the basis of Bien's written Manifestation and the Transcript of Stenographic Notes of the inquiry made by the court. The Court finds that the evidence adduced by the complainant are insufficient to substantiate his allegations.

Like the IBP Board of Governors, the Court is not convinced of the investigating commissioner's finding of dishonesty against Atty. Villanueva.

²⁰ Id. at 129.

²¹ Id. at 135-142.

²² Id. at 141-142.

²³ *Rollo*, p. 138.

²⁴ Id. at 139.

²⁵ Id. at 142.

²⁶ *Castro v. Bigay, Jr.*, 813 Phil. 882, 888 (2017).

²⁷ *Rollo*, pp. 100-101.

While Atty. Villanueva denied knowing Atty. Santos at the time the court made an inquiry, his insistence, however, is not tantamount to dishonesty. It cannot be immediately concluded that Atty. Villanueva committed dishonesty based only on the complainant's speculations. Besides, the RTC could have sanctioned Atty. Villanueva if it was persuaded that he committed falsehood before it.

Similarly, the Court finds the complainant's imputations against Atty. Santos is devoid of substance. While Atty. Santos admitted having confronted Bien, the allegation of disrespect is wanting in this case. As pointed out by the IBP Board of Governors, Atty. Santos's alleged disrespectful conduct against Bien is a matter purely evidentiary in nature which can only be substantiated by the aggrieved party himself or the persons who witnessed the incident.²⁸

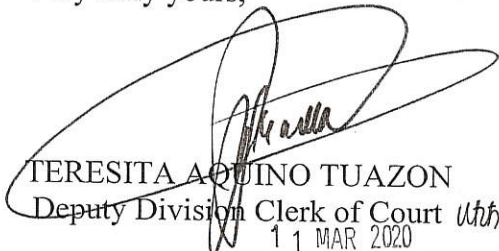
The Court likewise notes that the complainant failed to participate in the proceedings before the IBP. He neither submitted his position paper as required. While Cruz-Angeles and Paglinawan entered its appearance²⁹ for the complainant, it subsequently withdrew the same in view of the complainant's failure to coordinate with it.³⁰

Evidently, under the facts and the evidence presented, the Court finds that the complainant failed to discharge the necessary burden of proof. In the absence, therefore, of any evidence preponderant to prove that the respondents committed the acts constituting grounds for suspension or disbarment, the complainant's claims must necessarily fail.

WHEREFORE, premises considered, the instant disbarment complaint against respondents Atty. Danny F. Villanueva and Atty. Wilfredo M. Santos is **DISMISSED**.

SO ORDERED."

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utch. 3/10*
11 MAR 2020

²⁸ Id. at 140.

²⁹ Id. at 73-74.

³⁰ Id. at 105.

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