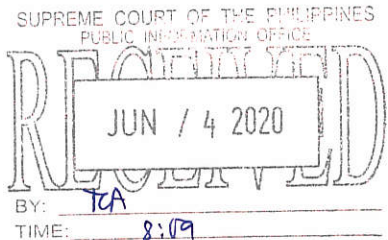




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 February 2020** which reads as follows:*

“A.C. No. 12607 (Antonio G. Dacudao v. Atty. Michael George Andrew R. Vargas and Atty. Rhoderick P. Caraig). – This administrative complaint¹ was filed by Antonio G. Dacudao (complainant) against Atty. Michael George Andrew R. Vargas and Atty. Rhoderick P. Caraig (respondents) for grave misconduct and violation of the Lawyer’s Oath and the Code of Professional Responsibility (CPR).

Facts

In his Complaint-Affidavit,² the complainant alleged that the respondents are the lawyers of Philippine Investment One, Inc., the opposing party in various cases³ pending before the Regional Trial Courts (RTC) of Makati City and Cagayan de Oro City. He claimed that the respondents made false allegations in their submissions and pleadings to the court when they averred that he did something illegal to prevent the annotation of a writ on various certificates of title. He stressed that the non-annotation of the title should not be attributed to him or his wife.⁴

Moreover, the complainant objected to the respondents’ use of intemperate and insulting language in various submissions to the court by using words like “dishonesty,” “unprecedented irregularities,” and “obvious display of bias.” He believed that the respondents intended to humiliate the court, thus, violating the CPR.⁵ Furthermore, the complainant argued that the respondents committed forum shopping when they filed two cases, one for foreclosure of mortgage, and the other for collection of sum of money, which involve the same obligation.⁶

¹ Rollo, pp. 2-24.

² Id.

³ Civil Case No. 14-876 and Civil Case No. 2014-091.

⁴ Rollo, pp. 3-5.

⁵ Id. at 5.

⁶ Id. at 8.

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In their Consolidated Answer,⁷ the respondents contended that the allegations of the complainant are not sufficient to form a belief that they are guilty of disrespect towards the courts because the quoted provisions were intentionally reduced to only include the parts which appear disrespectful. If taken altogether, it will demonstrate that the same were supported by evidence. The respondents likewise explained that there was no forum shopping because in the petition docketed as File No. 2014-079, the relief is founded on Section 1 of Act No. 3135 in relation to the Mortgage Agreements between the parties therein. On the other hand, the complaint in Civil Case No. 14-876 was filed for the enforcement of PI Two's right to proceed against the spouses Dacudao, independent of its right to proceed against Mindanao Coolers Corporation.

In his Report and Recommendation,⁸ the Investigating Commissioner of the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD), Eduardo R. Robles (Robles), recommended that the administrative complaint be dismissed for want of merit. After a meticulous examination of the respondents' pleadings in the legal actions under consideration, the IBP-CBD was not convinced that the respondents' language was intemperate and insulting to such a degree indicative of wanton disrespect to the courts. Robles explained that the language may not be to the liking of the complainant, but that alone will not mean that the respondents have crossed the line. On the matter of forum shopping, the subject CA decision is not yet final and executory, and the IBP-CBD will not pass upon this issue.

Resolution of the IBP Board of Governors

On April 19, 2017, a resolution was passed by the IBP Board of Governors dismissing the complaint against the respondents, to wit:

RESOLUTION NO. XXII-2017-902
CBD Case No. 16-4919
Antonio G. Dacudao vs.
Atty. Michael George Andrew R. Vargas
and Atty. Rhoderick P. Caraig

RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner dismissing the complaint.⁹

Complainant filed a motion for reconsideration seeking to set aside the Resolution dated April 19, 2017, and praying that a new one be issued recommending the disbarment of the respondents.¹⁰

Respondents submitted their comment to the complainant's motion for reconsideration. They argued that complainants merely reiterated their

⁷ Id. at 210-232.

⁸ Id. at 702-704.

⁹ Id. at 701.

¹⁰ Id. at 705-714.

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arguments in their complaint, and there were no new issues raised to justify a reconsideration of the resolution passed by the IBP Board of Governors.¹¹

In a Resolution¹² dated November 8, 2018, the IBP Board of Governors denied the motion for reconsideration.

Ruling of the Court

The Court resolves to adopt and approve the findings and recommendation of the Investigating Commissioner as approved by the IBP Board of Governors.

The Court has consistently held that an attorney enjoys the legal presumption that he is innocent of charges against him until the contrary is proved, and that as an officer of the court, he is presumed to have performed his duties in accordance with his oath.¹³ “For the Court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof. Indeed, considering the serious consequences of disbarment or suspension of a member of the Bar, the Court has consistently held that [a] clear preponderant evidence is necessary to justify the imposition of the administrative penalty.”¹⁴ “The burden of proof in disbarment and suspension proceedings always rests on the shoulders of the complainant.”¹⁵

Jurisprudence dictates that in administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence. If they fail to show in a satisfactory manner the facts upon which their claims are based, the respondents are not obliged to prove their exception or defense.¹⁶ A case of suspension or disbarment is *sui generis* and not meant to grant relief to a complainant as in a civil case, but is intended to cleanse the ranks of the legal profession of its undesirable members in order to protect the public and the courts.¹⁷ Jurisprudence is replete with cases reiterating that in disbarment proceedings, the burden of proof rests upon the complainant.¹⁸ In the recent case of *Reyes v. Nieva*,¹⁹ the Court had the occasion to clarify that the proper evidentiary threshold in disbarment cases is substantial evidence.

In this case, the Court finds that the complainant failed to establish by substantial evidence that the respondents violated the Lawyer’s Oath and the

¹¹ Id. at 718-724.

¹² Id. at 739.

¹³ *Aba v. De Guzman, Jr., et al.*, 678 Phil. 588, 601 (2011).

¹⁴ *Bellosillo v. Board of Governors of the IBP*, 520 Phil. 676, 689 (2006).

¹⁵ *Joven v. Cruz*, 715 Phil. 531, 538 (2013).

¹⁶ See Court *En Banc* Resolution dated February 21, 2017 in A.C. No. 9683 entitled “Court of Appeals Associate Justice Apolinario D. Bruselas, Jr. v. Atty. Eligio P. Mallari.”

¹⁷ *Cristobal v. Renta*, 743 Phil. 145, 148 (2014).

¹⁸ *Concepcion v. Fandiño, Jr.*, 389 Phil. 474, 480-481 (2000).

¹⁹ 794 Phil. 360, 379 (2016).

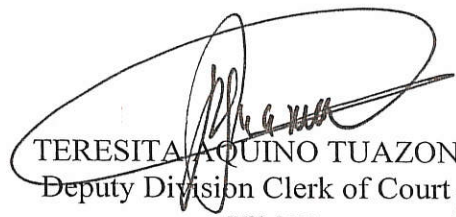
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CPR.

WHEREFORE, in view of the forgoing, the Court **ADOPTS** and **APPROVES** the Resolution dated April 19, 2017 of the Board of Governors of the Integrated Bar of the Philippines. Accordingly, the administrative complaint against respondents Atty. Michael George Andrew R. Vargas and Atty. Rhoderick P. Caraig is hereby **DISMISSED** for lack of merit.

SO ORDERED.”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
01 JUN 2020

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