



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated February 17, 2021, which reads as follows:

“A.C. No. 12271 (*Pedro Baddungon y Catillejos v. Atty. Myron Dei A. Gutierrez*). – Before the Court is an administrative Complaint¹ for disbarment filed by Pedro Baddungon y Catillejos (complainant) against Atty. Myron Dei A. Gutierrez (respondent) for violation of the Lawyer’s Oath and the Code of Professional Responsibility (CPR).

In his Complaint,² complainant alleged that on March 27, 2018, his employer, Mr. Kwangchoi Park (Mr. Park), accused him of stealing money. Herein respondent is Mr. Park’s lawyer. As such, respondent threatened to call the police if complainant will not return the money he stole from Mr. Park. At the police station, respondent told complainant and his common-law wife, Janice Gaoiran, that upon Mr. Park’s instruction, they will not file a case against complainant provided that he returns the amount of P70,000.00 to respondent. Complainant requested respondent if he could lower the amount to P40,000.00 to which respondent agreed.³ Renato Baddungon, complainant’s brother deposited the amount of P40,000.00 to respondent’s bank account.⁴

However, the police brought complainant to the Office of the City Prosecutor of Makati for inquest proceedings notwithstanding the deposit of the amount agreed upon by them. A case of Attempted Robbery was then filed against complainant before Branch 66, Metropolitan Trial Court (MeTC), Makati City, docketed as MKT-18-02356.⁵ With what happened, complainant asserted that respondent extorted money from him thus, respondent violated his oath as a lawyer and the CPR.⁶

¹ *Rollo*, pp. 1-2.

² *Id.*

³ *Id.*

⁴ *Id.* at 3.

⁵ *Id.* at 2.

⁶ *Id.*

Complainant thereafter filed a criminal case for Robbery/Extortion or Estafa against respondent before the City Prosecutor of Makati, docketed as NPS. No. XV-05-INV-18F-2632. However, it was dismissed for insufficiency of evidence.⁷

In his Comment,⁸ respondent did not dispute the fact that complainant deposited ₱40,000.00 in his personal account for his client, Mr. Park. He argued that the bank deposit was made voluntarily by the complainant and that the instant administrative complaint was a mere attempt to harass him.⁹ Respondent countered that on March 27, 2018, complainant was caught trying to open Mr. Park's bag containing money inside the room of Mr. Park's residence at the Beacon Condominium in Makati. The complainant admitted to him, to Mr. Park, to the security guards of the Beacon Condominium and to several police officers that he indeed stole money from Mr. Park on several occasions and had successfully taken almost a million pesos. He then pleaded to respondent and Mr. Park not to file a case against him. However, the decision whether to file a case against complainant or not was beyond respondent's discretion and control as complainant was already taken into custody by the Philippine National Police-Makati for Attempted Robbery.¹⁰

Issue

Whether respondent should be administratively liable of the charges against him.

Our Ruling

The Court has consistently held that an attorney enjoys the legal presumption that he is innocent of the 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.¹¹ Stated otherwise, a mere charge or allegation of wrongdoing does not suffice.¹²

In the instant case, the Court finds that complainant failed to provide clear and convincing evidence to support his allegations against respondent. Other than complainant's naked assertion that respondent allegedly demanded the amount of ₱70,000.00, which was later reduced to ₱40,000.00, in exchange for dropping the charges against him, no other proof was presented to back up the accusation of Robbery/Extortion or Estafa against the respondent. That complainant

⁷ *Id.* at 38.

⁸ *Id.* at 26-32.

⁹ *Id.* at 27.

¹⁰ *Id.* at 31.

¹¹ *Ignacio v. Cabantac*, A.C. No. 12675, February 5, 2020.

¹² *Sps. Boyboy v. Atty. Yabut, Jr.*, 449 Phil. 664, 668 (2003).

failed to substantiate his allegations with the required burden of proof leads to the conclusion that he was unable to overturn the presumption in respondent's favor. To be sure, without competent proof showing otherwise, respondent, an officer of the Court, shall be presumed to have acted regularly and in accordance with his oath as a lawyer.

Parenthetically, in the Resolution¹³ dated August 29, 2018, Senior Assistant City Prosecutor Renato Pambid recommended that the complaint for Robbery/Extortion or Estafa filed by complainant against respondent be dismissed for insufficiency of evidence, viz.:¹⁴

In the instant case, there is no evidence or even allegation that respondents used violence against complainant, or that respondents used force upon things. While it is true that Gutierrez threatened to send complainant to jail if he refused to give ₱70,000, later reduced to ₱40,000, the same cannot be interpreted as intimidation because a victim of robbery or theft can lawfully threaten a person suspected of robbery or theft the filing of a criminal case and of sending him to prison.¹⁵

In other words, even in the related criminal case he himself initiated against respondent, he also failed to adduce evidence to support his allegations. That he failed to present adequate proof in these two proceedings only shows that his claims are unfounded and do not deserve consideration.

It is well-recognized that he who comes to court must come with clean hands. Complainant should be mindful that he was caught attempting to steal from his employer. He even made a list of the number of times he stole from Mr. Park and the corresponding amounts thereof, viz.:

PEDRO C. BADDUNGON

6. HONG
6,000 HONG DALAR (HKD)
8,000 HONG DALAR (HKD)
14,000 USA DALAR (USD)

2018.3.29
6,000 (HKD)

x x x x.¹⁶

MARCH 27/2018

AKO SI PEDRO CASTILLEJO BADDUNGON FILIPINO NASA
WASTONG TAON GULANG AT RESIDENT NG ALINAM

¹³ *Rollo*, pp. 36-38; penned by Senior Assistant City Prosecutor Renato W. Pambid.

¹⁴ *Id.* at 38.

¹⁵ *Id.* at 37.

¹⁶ *Rollo*, p. 39.

CAUAYAN ISABELA – AKO AY DRIVER NI KWANGOHL (*sic*) PARK. NINAKAWAN KO SI KWANGOHL PARK NG MARAMING BESES SA IBAT IBANG PETA AT PAGKAKATAON. ANG KABUANG HALAGA NG AKING MGA NINAKAW AT HIGIT KUMULANG 23,000 HONGKONG DOLLARS AT 14,000 US DOLLARS PINATUTUNAYAN KANA (*sic*) TOTOO ANG LAHAT NG NAKASAAD DITO AT KUSANG LOOB KONG GINAWA ITONG SALAYSAY ITO.¹⁷

The Court finds that the instant Complaint¹⁸ is an insolent attempt to harass, vex and damage the reputation of respondent.

On this note, while no person should be penalized for the exercise of the right to litigate – this right must be exercised in good faith.¹⁹ The Court in *Lim v. Atty. Antonio*,²⁰ elucidates “to allow complainant to trifle with the Court, to make use of the judicial process as an instrument of retaliation, would be a reflection on the rule of law.”²¹

WHEREFORE, the disbarment case against respondent Atty. Myron Dei A. Gutierrez is **DISMISSED** for utter lack of merit.

SO ORDERED.”

By authority of the Court:

Mis PDC Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *9/1/21*

Mr. Pedro C. Baddungon
Complainant
Purok 7, Alinam, Cauayan
3305 Isabela

Atty. Myron Dei A. Gutierrez
Respondent
Unit 100, FICC Building, 276 El Grande
Avenue cor. Kyoto St., BF Homes
1720 Paranaque City

or

Gutierrez Law
41 New Delhi St. corner Madrid St.
BF THAI, BF Homes,
1940, Las Piñas City

¹⁷ *Id.* at 40.

¹⁸ *Id.* at 1-2.

¹⁹ *Prieto v. Atty. Corpuz*, 539 Phil. 65, 75 (2006).

²⁰ 210 Phil. 226 (1983).

²¹ *Id.* at 230.

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