



**ATTY. BAYANI P. DALANGIN,**  
Petitioner,

**A.C. No. 10761**  
(Formerly CBD Case No. 12-3458)

Present:

SERENO, C.J.,  
CARPIO,  
VELASCO, JR.,  
LEONARDO-DE CASTRO,  
PERALTA,  
BERSAMIN,\*  
DEL CASTILLO,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,\*\*  
CAGUIOA,  
MARTIRES,  
TIJAM,  
REYES, JR., and  
GESMUNDO,\*\*\* JJ.

- versus -

**ATTY. ROSITA L. DELA FUENTE TORRES,**

Promulgated:

Respondent.

December 5, 2017

X-----X

**DECISION**

**REYES, JR., J.:**

These are four administrative complaints that were separately filed with the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) by and against substantially the same parties, particularly:

- (1) CBD Case No. 11-3215 for gross immorality, malpractice and gross misconduct filed by Atty. Rosita L. Dela Fuente-Torres (Atty. Torres), *et al.*, against Atty. Bayani P. Dalangin (Atty. Dalangin) and docketed before the Court as A.C. No. 10758;

---

\* On Official leave.  
\*\* On leave.  
\*\*\* On leave.

- (2) CBD Case No. 12-3292 for gross misconduct filed by Glenda Alvaro (Alvaro) against Atty. Dalangin and docketed before the Court as A.C. No. 10759;
- (3) CBD Case No. 12-3369 for gross misconduct, violation of the lawyer's oath and violation of Canon 1 of the Code of Professional Responsibility (CPR) filed by Atty. Dalangin against Atty. Torres and Atty. Avelino Andres (Atty. Andres), docketed in this Court as A.C. No. 10760 ; and
- (4) CBD Case No. 12-3458 for grave misconduct, dishonesty and violation of Canon 1 of the CPR filed by Atty. Dalangin against Atty. Torres and docketed in this Court as A.C. No. 10761.

### **The Antecedents**

#### ***A.C. No. 10758***

CBD Case No. 11-3215 is a complaint<sup>1</sup> for gross immorality, malpractice and gross misconduct filed against Atty. Dalangin by the following complainants: (1) Atty. Torres; (2) Felicidad O. Samatra (Samatra); (3) Alvaro; (4) Mary DF. Noveras (Noveras); and (5) Generosa S. Camacho (Camacho).<sup>2</sup>

The complaint imputed upon Atty. Dalangin several breaches of his duties as a lawyer. *First*, it was alleged that Atty. Dalangin filed against employees of the Judiciary and a fellow lawyer groundless suits, which were merely prompted by his loss in a case and intended to cover up his negligence as counsel. By his acts, Atty. Dalangin committed gross misconduct, and breached Rule 18.03, Canon 18, Rules 1.02 and 1.03, Canon 1, and Canon 11 of the CPR.<sup>3</sup>

It appeared that prior to the institution of CBD Case No. 11-3215, a complaint for disbarment was filed against Atty. Torres by Apolonia Marzan (Marzan) and Melody Valdez (Valdez), who were clients of Atty. Dalangin and the losing parties in an unlawful detainer case decided by Presiding Judge Efren B. Mallare (Judge Mallare) of the Municipal Trial Court (MTC) of Sto. Domingo, Nueva Ecija. Marzan and Valdez later disclosed to Atty. Torres that the filing of the disbarment case was orchestrated by Atty.

---

<sup>1</sup> *Rollo* (A.C. No. 10758), Vol. I, pp. 2-11.

<sup>2</sup> *Id.* at 2.

<sup>3</sup> *Id.* at 3-4.

*Meyer*

Dalangin, who prepared the affidavit and instructed them to sign it even without explaining the contents and tenor of the document.

When Marzan and Valdez eventually realized that their affidavit was used to file a disbarment complaint with the IBP against Atty. Torres, they decided to terminate the services of Atty. Dalangin. By their new counsel's advice, Marzan and Valdez stopped attending the disbarment hearings, and the case was eventually dismissed by the IBP. Atty. Dalangin also caused Marzan and Valdez's filing of administrative cases against Judge Mallare and Noveras, as the Clerk of Court of the MTC, which complaints were nonetheless likewise dismissed by the Supreme Court upon the IBP's recommendation.<sup>4</sup>

*Second*, Atty. Dalangin was accused of maintaining an illicit and immoral affair with one Julita Pascual (Pascual), a clerk at the Public Attorney's Office (PAO) in Talavera, Nueva Ecija, where Atty. Dalangin previously worked as district public attorney. After Atty. Dalangin had left PAO, he retained Pascual as his private secretary, who still remained to be employed with PAO. Atty. Dalangin and Pascual had a daughter whom they named Julienne, even when each of them had existing marriages with some other persons.<sup>5</sup> The affair between Atty. Dalangin and Pascual, and the paternity of Julienne, were known to the community, especially the courts.<sup>6</sup> Julienne was nonetheless entered in the civil registry as Pascual and her legal husband's own child so as to conceal the fact that Atty. Dalangin was the real father.<sup>7</sup> The foregoing acts allegedly breached Rule 1.01, Canon 1, and Rule 7.03, Canon 7 of the CPR.

*Third*, Atty. Dalangin was accused of malpractice for acts that dated back to his prior employment with PAO. He allegedly collected attorney's fees from indigent litigants who sought his assistance, like complainant Camacho from whom he demanded an acceptance fee of ₱8,000.00. When Camacho explained that he could only produce ₱3,000.00, Atty. Dalangin threw the case records on a table and retorted, "*Mabubuhay ba naman ang abogado [dito]*."<sup>8</sup> Without prior authority from his superiors, Atty. Dalangin also willfully appeared in areas outside his jurisdiction as a district public attorney.<sup>9</sup>

*Fourth*, the complaint included charges that pertained to Atty. Dalangin's handling of his court cases. It was claimed that Atty. Dalangin

---

<sup>4</sup> Id. at 2-3.

<sup>5</sup> Id. at 4-6.

<sup>6</sup> Id. at 5.

<sup>7</sup> Id.

<sup>8</sup> Id. at 29.

<sup>9</sup> Id. at 6.

*meza*

misquoted jurisprudence in a pleading he filed in court, which act constituted a breach of Rule 10.02, Canon 10 of the CPR.<sup>10</sup> In a case for robbery filed by Samatra against Pascual, Atty. Dalangin also wielded his influence and prepared perjured statements from supposed witnesses, a clear violation of Rule 10.02, Canon 10 of the CPR.<sup>11</sup> Finally, Atty. Dalangin violated Rule 10.01, Canon 10 of the CPR when he submitted in a civil case fraudulent and misleading evidence, particularly a certificate of title without the page reflecting the annotations pertinent to the case.<sup>12</sup>

Atty. Dalangin filed his Answer and refuted all charges.<sup>13</sup> He denied having a hand in the preparation of the disbarment complaint against Atty. Torres, as he argued that neither his name nor his signature appeared in the records thereof. His relationship with Pascual, on the other hand, was only maliciously misinterpreted. He was only a close friend of the Pascuals, and some of Pascual's children, including Julienne, were his godchildren.<sup>14</sup>

Atty. Dalangin likewise denied the claim that he collected attorney's fees while he worked as a PAO lawyer. Although he admitted appearing as a public attorney in an area that was beyond his jurisdiction, the appearance was with the Regional Public Attorney's verbal authority, claimed by Atty. Dalangin to be sufficient under office practice.<sup>15</sup> Finally, the alleged mistakes that he committed as counsel in specific cases' presentation of evidence had been rectified in court.<sup>16</sup>

### ***A.C. No. 10759***

CBD Case No. 12-3292, a complaint<sup>17</sup> for gross misconduct, was filed by Alvaro against Atty. Dalangin for an incident that happened on the morning of November 14, 2011, while Alvaro was waiting for the start of a hearing at the lobby of the Regional Trial Court (RTC), Branch 37, Sto. Domingo, Nueva Ecija. Upon seeing Alvaro, Atty. Dalangin allegedly hurled slanderous and defamatory remarks against her, as he spoke at the top of his voice and referred to her as a "certified swindler." He also confronted and threatened Alvaro for her participation in the filing of CBD Case No. 11-3215, and then precluded her from visiting the PAO in Talavera, Nueva Ecija. Atty. Dalangin's tirade was heard and witnessed by several persons,

---

<sup>10</sup> Id. at 6-7.

<sup>11</sup> Id. at 7-8.

<sup>12</sup> Id. at 9.

<sup>13</sup> Id. at 89-97.

<sup>14</sup> *Rollo* (A.C. No. 10758), Vol. III, p. 1189.

<sup>15</sup> Id. at 1189-1190.

<sup>16</sup> Id. at 1190.

<sup>17</sup> *Rollo* (A.C. No. 10759), pp. 1840-1843.

*Meyer*

and some of them executed their respective affidavits<sup>18</sup> to narrate the incident. The foregoing impelled Alvaro to seek Atty. Dalangin's disbarment for a violation of Rules 1.01 and 1.02, Canon 1, Rule 7.03, Canon 7, and Rule 8.02, Canon 8 of the CPR.

While Atty. Dalangin admitted in his Answer<sup>19</sup> the alleged confrontation, he denied shouting invectives at Alvaro. When he talked to Alvaro, he merely confronted her for what he claimed were lies declared in her affidavit in CBD Case No. 11-3215. Atty. Dalangin also warned to seek legal remedies should Alvaro fail to substantiate the truth of her testimonies.

Atty. Dalangin also admitted that he precluded Alvaro from visiting PAO, but explained that this was prompted by his knowledge that Alvaro was a fixer, who used the name of the office and demanded money from indigent clients. For Atty. Dalangin, Alvaro filed this complaint to get back at Atty. Dalangin for banning her at the PAO and depriving her of earning from her illegal activities.<sup>20</sup>

#### ***A.C. No. 10760***

The two other complaints, CBD Case No. 12-3369 and CBD Case No. 12-3458, were instituted by Atty. Dalangin.

In CBD Case No. 12-3369,<sup>21</sup> Atty. Dalangin sought the disbarment of Atty. Torres and Atty. Andres for gross misconduct, violation of the lawyer's oath, and breach of Rules 1.01 and 1.02, Canon 1 of the CPR. He claimed that both lawyers conspired with their clients in filing CBD Case No. 11-3215, even as they violated Republic Act (R.A.) No. 4200, otherwise known as the Anti-Wiretapping Act.

Submitted to support CBD Case No. 11-3215 was Nonilo Alejo's (Alejo) affidavit, which contained a transcript of a recorded telephone conversation between Alejo and one Wilma Pineda (Pineda).<sup>22</sup> The recording was without the prior knowledge and consent of Pineda.<sup>23</sup>

As a backgrounder, Atty. Dalangin was accused in CBD Case No. 11-3215 of fabricating testimonies against Noveras, who was claimed to be a

---

<sup>18</sup> Id. at 1845-1847.

<sup>19</sup> Id. at 1861-1867.

<sup>20</sup> Id. at 1863-1864.

<sup>21</sup> *Rollo* (A.C. No. 10760), pp. 1995-2000.

<sup>22</sup> Id. at 2048-2054.

<sup>23</sup> Id. at 1996-1997.

*Meyer*

vital witness in a criminal case against Pascual. In an affidavit drafted by Atty. Dalangin for Pineda, the latter complained of Noveras and Alejo's failure to return in full the cash bond that she posted in a case for violation of the Bouncing Checks Law, even after the case had been dismissed by the trial court. This allegation was negated in the disputed transcript, as Pineda allegedly confirmed receiving the full ₱8,000.00, but decided to give half thereof to Alejo for a "blow-out" after her case's dismissal.<sup>24</sup>

Both Atty. Andres and Atty. Torres disputed the complaint. Atty. Andres asserted that CBD Case No. 12-3369 was filed only to harass and intimidate him, being the counsel of the complainants in CBD Case No. 11-3215.<sup>25</sup> By way of defense, he adopted a counter-affidavit<sup>26</sup> which he submitted in a separate complaint for violation of R.A. No. 4200 that was filed by Atty. Dalangin with the City Prosecutor of Pasig City. Atty. Andres therein argued that on the basis of Atty. Dalangin's allegations, the case should have been filed by Pineda against Alejo, being the purported victim and the one who recorded the conversation, respectively.

Atty. Torres, on the other hand, pointed out that Atty. Dalangin's reference to R.A. No. 4200 was tantamount to an admission that the conversation actually transpired. This only confirmed a fault committed by Atty. Dalangin for the fabrications in Pineda's earlier affidavit, which was executed purposely to destroy the credibility of Noveras. The submission of the transcript was necessary because Atty. Dalangin's malpractice was one of the main causes of action in CBD Case No. 11-3215.<sup>27</sup> Moreover, the record of the conversation between Alejo and Pineda could not be considered a violation of R.A. No. 4200 because no wire or cable was used to tap their cellular phones. Neither party in the conversation also complained of a supposed wiretapping.<sup>28</sup>

### ***A.C. No. 10761***

The complaint<sup>29</sup> docketed as CBD Case No. 12-3458 was filed solely against Atty. Torres for grave misconduct, dishonesty for violation of Article 183<sup>30</sup> of the Revised Penal Code, and breach of Canon 1 of the CPR.

<sup>24</sup> Id. at 2011-2012.

<sup>25</sup> Id. at 2060-2061.

<sup>26</sup> Id. at 2063-2064.

<sup>27</sup> Id. at 2067-2068.

<sup>28</sup> Id. at 2069-2070.

<sup>29</sup> *Rollo* (A.C. No. 10761), pp. 2295-2301.

<sup>30</sup> Art. 183. *False testimony in other cases and perjury in solemn affirmation.* – The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed upon any person, who knowingly makes untruthful statements and not being included in the provisions of the next preceding articles, shall testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires.

*Meyer*

Atty. Dalangin faulted Atty. Torres for submitting in CBD Case No. 11-3215 Marzan and Valdez's affidavit,<sup>31</sup> which allegedly contained untruthful statements. Marzan and Valdez knew from the beginning that they were complainants in a disbarment case against Atty. Torres. Atty. Torres, however, later made them issue the perjured statements by using as a leverage her own complaint<sup>32</sup> for perjury against Marzan and Valdez, who were then pressured to sign the affidavits in exchange for the perjury case's dismissal.<sup>33</sup>

In her Answer<sup>34</sup> to the complaint, Atty. Torres insisted on the truth of the statements made by Marzan and Valdez in their affidavit in CBD Case No. 11-3215.

### **Report and Recommendation of the Investigating Commissioner**

The four administrative complaints were eventually consolidated and jointly resolved by the IBP.

After the parties' filing of their respective position papers and the conduct of a series of hearings, Investigating Commissioner Honesto A. Villamor (Investigating Commissioner) issued a Consolidated Report and Recommendation<sup>35</sup> dated February 11, 2013, which found sufficient bases for Atty. Dalangin's suspension from the practice of law for three years. Atty. Dalangin's charges against Atty. Dela Torres and Atty. Andres, on the other hand, were recommended for dismissal.

Thus, the Investigating Commissioner's Consolidated Report and Recommendation ended as follows:

WHEREFORE, under the foregoing, finding that Respondent Bayani P. Dalangin violated the provisions of the [CPR] and his Lawyer's Oath specifically on Gross Immorality, and Gross Misconduct in CBD Case No. 11-3215 and CBD Case No. 12-3292, it is recommended that said Respondent be suspended from the practice of law for the period of three (3) years from receipt of the order with a warning that similar offense in the future will be dealt with more severely.

---

Any person who, in case of solemn affirmation made in lieu of an oath, shall commit any of the falsehoods mentioned in this and the three preceding articles of this section, shall suffer the respective penalties provided therein.

<sup>31</sup> *Rollo* (A.C. No. 10761), pp. 2313-2314.

<sup>32</sup> *Id.* at 2315-2316.

<sup>33</sup> *Id.* at 2298-2300.

<sup>34</sup> *Id.* at 2326-2332.

<sup>35</sup> *Rollo* (A.C. No. 10759), pp. 1896-1905.

*Meyer*

It is further recommended that the charges against Respondent Rosita L. dela Fuente Torres and Respondent Avelino Andres in CBD Case No. 12-3369 and CBD Case No. 12-3458, for lack of merit be ordered dismissed.

RESPECTFULLY SUBMITTED.<sup>36</sup>

### **Recommendation of the IBP Board of Governors**

On June 21, 2013, the IBP Board of Governors issued Resolution No. XX-2013-768,<sup>37</sup> which adopted and approved the Investigating Commissioner's Consolidated Report and Recommendation. The resolution reads:

RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding the recommendation fully supported by the evidence on record and the applicable laws and rules and considering that Respondent Dalangin is guilty of gross immorality and gross misconduct, Atty. Bayani P. Dalangin is hereby **SUSPENDED from the practice of law for three (3) years with Warning** that repetition of the same or similar act shall be dealt with more severely. The case against Atty. Rosita L. dela [Fuente] Torres and Atty. Manuel Andres is hereby **DISMISSED**.<sup>38</sup>

Atty. Dalangin filed a motion for reconsideration, but this was denied by the IBP Board of Governors in a Resolution<sup>39</sup> dated August 8, 2014, which reads:

RESOLVED to DENY Respondent/Complainant Dalangin's Motion for Reconsideration there being no cogent reason to reverse the findings of the Commission and the Resolution subject of the motion, it being a mere reiteration of the matters which had already been threshed out and taken into consideration. Thus, Resolution No. XX-2013-768 dated June 1, 2013 is hereby **AFFIRMED**.<sup>40</sup>

On February 26, 2015, Atty. Dominic C. M. Solis, Director for Bar Discipline, IBP Commission on Bar Discipline, transmitted the case records to the Court pursuant to Rule 139-B of the Rules of Court.<sup>41</sup>

---

<sup>36</sup> Id. at 1905.

<sup>37</sup> Id. at 1892-1893.

<sup>38</sup> Id. at 1892-A.

<sup>39</sup> *Rollo* (A.C. No. 10758), Vol. III, pp. 1332-1333.

<sup>40</sup> Id. at 1332-A.

<sup>41</sup> Id. at 1511.



On even date and before the Court could have rendered its final action on the disbarment complaints against Atty. Dalangin *vis-à-vis* the records forwarded by the IBP, Atty. Dalangin forthwith filed with the Court a Petition for Review,<sup>42</sup> which questioned the IBP resolutions that, *first*, declared him administratively liable in CBD Case Nos. 11-3215 and 12-3292, and *second*, dismissed his complaints against Atty. Torres and Atty. Andres in CBD Case Nos. 12-3369 and 12-3458.

In a Resolution<sup>43</sup> dated June 16, 2015, the Court consolidated these cases and, without giving due course to the petition for review, required the filing of Comments on the petition. Accordingly, a Consolidated Comment on the Petition<sup>44</sup> dated August 5, 2015 was filed by Andres & Associates Law Office, as counsel for Atty. Torres, et al., being the complainants in CBD Case Nos. 11-3215 and 12-3292, and respondents in CBD Case Nos. 12-3369 and 12-3458. Thereafter, Atty. Dalangin filed his Reply<sup>45</sup> to the consolidated comment.

### The Court's Ruling

#### Procedure from Resolutions of the IBP Board of Governors

The Court finds it appropriate to first address the matter of Atty. Dalangin's immediate recourse to the Court *via* a petition for review that questioned the IBP Board of Governors' resolve to affirm the Investigating Commissioner's recommendation on his administrative liability, notwithstanding the fact that the Court had not yet taken a final action on the complaints.

When the administrative complaints were resolved by the IBP and the instant petition for review was filed in Court, the procedure from resolutions of the IBP Board of Governors in administrative cases was as provided in the former Section 12 of Rule 139-B of the Rules of Court, prior to the amendments introduced by Bar Matter No. 1645 dated October 13, 2015. The old rule read:

**Section 12.** *Review and decision by the Board of Governors.*

---

<sup>42</sup> Id. at 1262-1318.

<sup>43</sup> Id. at 1511-1512.

<sup>44</sup> Id. at 1514-1571.

<sup>45</sup> Id. at 1751-1755.

*Meyer*

- 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. (Emphases supplied)

In B.M. No. 1755 captioned *Re: Clarification of Rules of Procedure of the Commission on Bar Discipline*, the Court applied this provision to address the issue therein involved, and explained its proper application in a Resolution dated June 17, 2008. The Court set the following guidelines:

In case a decision is rendered by the [Board of Governors (BOG)] that **exonerates the respondent or imposes a sanction less than suspension or disbarment, the aggrieved party can file a motion for reconsideration within the 15-day period from notice. If the motion is denied, said party can file a petition for a review under Rule 45** of the Rules of Court with this Court within fifteen (15) days from notice of the resolution resolving the motion. If no motion for reconsideration is filed, the decision shall become final and executory and a copy of said decision shall be furnished this Court.

If the **imposable penalty is suspension from the practice of law or disbarment**, the BOG shall issue a resolution setting forth its findings and recommendations. **The aggrieved party can file a motion for reconsideration of said resolution with the BOG within fifteen (15) days from notice. The BOG shall first resolve the incident and shall thereafter elevate the assailed resolution with the entire case records to this Court for final action.** If the 15-day period lapses without any motion for reconsideration having been filed, then the BOG shall likewise



transmit to this Court the resolution with the entire case records for appropriate action. (Emphases supplied)

Nowhere in his petition did Atty. Dalangin attempt to justify his immediate filing of the petition for review questioning the IBP resolutions that recommended his suspension. It could nonetheless be inferred from the circumstances that Atty. Dalangin's chosen course of action was to preclude the forfeiture of his right to question the dismissal of the administrative cases where he served as complainant, given that Section 12(c) provides that where the respondent is exonerated, *(t)he case shall be deemed terminated unless upon a petition of the complainant or other interested party filed with Supreme Court within fifteen (15) days from notice of the Board's resolution, the Supreme Court orders otherwise.* For this reason, the Court refused to make an outright denial of Atty. Dalangin's petition for review notwithstanding the fact that it questioned the resolve to suspend him from the practice of law. Considering that the petition likewise covered the IBP's dismissal of the disbarment cases against Atty. Torres and Atty. Andres, the Court, in a Resolution dated June 16, 2015, directed the filing of comments on the petition.

In any case, it must still be stressed that the filing of the petition for review on the issue of Atty. Dalangin's suspension from the practice of law was as yet not among his remedies, considering that the Court still had to release its final action on the matter.<sup>46</sup> It is the Supreme Court, not the IBP, which has the constitutionally mandated duty to discipline lawyers.<sup>47</sup> The factual findings of the IBP can only be recommendatory. Its recommended penalties are also, by their nature, recommendatory.<sup>48</sup> In light of these precepts, the Court will then not refuse a review of the IBP's recommendation for Atty. Dalangin's suspension notwithstanding the premature filing of the petition. In fact, an examination of the IBP resolutions for his suspension is warranted as a matter of course, even in the absence of a petition, because it is the Court that has the duty to take a final action on any determination of the IBP for a lawyer's suspension from the practice of law or disbarment.

Rule 139-B of the Rules of Court had in fact been later amended by B.M. No. 1645 dated October 13, 2015. Section 12 thereof now reads:

---

<sup>46</sup> See *Office of the Court Administrator v. Atty. Daniel B. Liangco*, 678 Phil. 305, 326-327 (2011).

<sup>47</sup> *Bernardino v. Santos*, 754 Phil. 52, 70 (2015).

<sup>48</sup> *Id.* at 71.

*peyer*

Sec. 12. Review and recommendation by the Board of Governors.

- 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.
- b) After its review, the Board, by the vote of a majority of its total membership, shall recommend to the Supreme Court the dismissal of the complaint or the imposition of disciplinary action against the respondent. The Board shall issue a resolution setting forth its findings and recommendations, clearly and distinctly stating the facts and the reasons on which it is based. The resolution shall be issued within a period not exceeding thirty (30) days from the next meeting of the Board following the submission of the Investigator's report.
- c) The Board's resolution, together with the entire records and all evidence presented and submitted, shall be transmitted to the Supreme Court for final action within ten (10) days from issuance of the resolution.
- d) Notice of the resolution shall be given to all parties through their counsel, if any.

In *Vasco-Tamaray v. Daquis*,<sup>49</sup> the Court emphasized that the amendments reiterated the principle that only the Court has the power to impose disciplinary action on members of the bar. Factual findings and recommendations of the Commission on Bar Discipline and the Board of Governors of the IBP are recommendatory, subject to review by the Court.<sup>50</sup>

As the Court now reviews the IBP's resolve to dismiss the complaints against Atty. Torres and Atty. Andres, it then also enters its final action on the IBP Board of Governors' recommendation to suspend Atty. Dalangin from the practice of law for three years, as the IBP cited gross misconduct, violations of the CPR and breach of the lawyer's oath as grounds.

### **A.C. No. 10758**

#### *Gross Immorality*

Among several cited grounds, the IBP's recommendation to suspend Atty. Dalangin from the practice of law for three years was on the pretext that he publicly and openly maintained a romantic relationship with Pascual even when their marriages with their respective spouses subsisted.

<sup>49</sup> A.C. No. 10868, January 26, 2016, 782 SCRA 44, 63-64.

<sup>50</sup> Id. at 65.



Allegedly, the affair further resulted in the birth of the child Julianne, who was believed to be Atty. Dalangin's daughter even when he turned down a challenge for a DNA test that could prove the child's true filiation.<sup>51</sup>

In his report, the Investigative Commissioner specifically referred to the following evidence to support his finding of an immoral relationship between Atty. Dalangin and Pascual:

2. That Complainant Alvaro who executed an affidavit regarding the illicit and immoral relation of [Atty. Dalangin] with [Pascual] for the reason that she was formerly [close] to [Pascual] and the latter confided to her that she (Pascual) [did] not love her husband anymore and the child called [Atty. Dalangin] "Papa attorney" (Affidavit of Alvaro as Exh. "F").

3. That Ligaya Agrave[,] a neighbor of [Pascual,] likewise executed an affidavit that the child ["Julienne"] is the daughter of [Atty. Dalangin and Pascual], that she used to see [Atty. Dalangin] taking care of [Julienne] when she was still a baby and when she grew up already, [Atty. Dalangin] used to accompany the child in their school tour and also her graduation. That the child as she grew older is a look[-]alike of [Atty. Dalangin]. (Affidavit of Ligaya Agrave marked as Exh. "G").

4. That the illicit affair of [Atty. Dalangin] with his former Clerk in the PAO, Talavera, Nueva Ecija was well known in Talavera, in the entire judiciary in Talavera, Nueva Ecija and even in the community of Sto. Domingo, Nueva [E]cija[.] [(L)etter to the Ombudsman dated Aug. 18, 2011 of Felicidad Sumatra is marked as Exh. "H").

5. That [Atty. Dalangin] refused when challenged for a DNA test.

6. Complainants submitted xxx pictures of [Atty. Dalangin and Pascual] together with their daughter [Julienne] taken in far away Puerto Prinsesa marked as Exh. I and I-1.

7. That [Atty. Dalangin] continued to publicly and openly cohabit with a woman who is not his legal wife shows his lack of good moral character.<sup>52</sup>

Time and again, the Court has indeed regarded extramarital affairs of lawyers to offend the sanctity of marriage, the family, and the community. Illicit relationships likewise constitute a violation of Article XV, Section 2 of the 1987 Constitution which states that, "[m]arriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State."<sup>53</sup> When lawyers are engaged in wrongful relationships that blemish their ethics and morality, the usual recourse is for the erring attorney's suspension from the practice of law, if not disbarment.

<sup>51</sup> *Rollo* (A.C. No. 10759), p. 1903.

<sup>52</sup> *Rollo* (A.C. No. 10758), Vol. III, p. 1191.

<sup>53</sup> *See Ecraela v. Pangalangan*, 769 Phil. 1, 17 (2015); *Guevara v. Eala*, 555 Phil. 713, 728 (2007).

*Meyer*

Upon the Court's review, however, it finds no sufficient basis to suspend Atty. Dalangin for a supposed illicit affair with Pascual. That an amorous relationship actually existed between them was not adequately proved.

The quantum of proof in administrative cases is substantial evidence. The Court explained in *Saladaga v. Astorga*:<sup>54</sup>

Section 5, in relation to Sections 1 and 2, Rule 133 of the Rules of Court states that in administrative cases, such as the ones at bar, only substantial evidence is required, not proof beyond reasonable doubt as in criminal cases, or preponderance of evidence as in civil cases. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.<sup>55</sup>

In *Reyes v. Nieva*,<sup>56</sup> the Court reiterated this rule on the quantum of proof in administrative proceedings, as it held:

Based on a survey of cases, the recent ruling on the matter is *Cabas v. Sususco*, which was promulgated just this June 15, 2016. In the said case, it was pronounced that:

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. x x x.

Accordingly, this more recent pronouncement ought to control and therefore, quell any further confusion on the proper evidentiary threshold to be applied in administrative cases against lawyers.

The rule is taken in light of other settled principles that apply for a proper disposition of administrative cases. In *Advincula v. Macabata*,<sup>57</sup> the Court emphasized:

The burden of proof rests on the complainant, and she must establish the case against the respondent by clear, convincing and satisfactory proof, disclosing a case that is free from doubt as to compel the exercise by the Court of its disciplinary power. Thus, the adage that *he who asserts not he who denies, must prove*. x x x.<sup>58</sup>

---

<sup>54</sup> 748 Phil. 1 (2014).

<sup>55</sup> Id. at 16.

<sup>56</sup> A.C. No. 8560, September 6, 2016, 802 SCRA 196, 219.

<sup>57</sup> 546 Phil. 431 (2007).

<sup>58</sup> Id. at 445-446.

*Reyes*

Further, the Court emphasized in *Cabas v. Sususco*<sup>59</sup> the oft-repeated rule that “mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.”<sup>60</sup>

With careful consideration of the foregoing tenets, the Court’s perusal of the records reveals an insufficiency of evidence that could warrant the recommended suspension from the practice of law.

To begin with, the two affidavits considered by the IBP as bases for its finding of Atty. Dalangin’s gross immorality harped only on general statements of a supposed personal and public knowledge on the wrongful relationship between Atty. Dalangin and Pascual. The circumstances that could have led them to their conclusion were scant and unsubstantiated. The most concrete proof that they could offer was the birth of Julienne, yet even the child’s birth certificate, a public document, expressly indicated the girl’s father to be Pascual’s husband, and not Atty. Dalangin.<sup>61</sup> Julienne’s baptismal certificate<sup>62</sup> also provided such fact, along with a confirmation of Atty. Dalangin’s defense on his closeness to Julienne for being her godfather.

It would be unfair to Atty. Dalangin, more so for the child whose filiation is in a way needlessly dragged into this case, for the Court to affirm the assertions in the complaint and the IBP’s findings and conclusions on the basis of the available evidence. The alleged similarities in the physical appearances of Atty. Dalangin and Julienne were but lame and dismal validations of the complainants’ vehement claim of paternity. Even the photographs<sup>63</sup> of Atty. Dalangin, Pascual and Julienne in what appeared to be a trip to Puerto Princesa, Palawan were insufficient to support a conclusion on the unlawful relations. The lone photo where Atty. Dalangin appeared with Pascual and Julienne, who were apparently merely waiting for boarding in an airport terminal, utterly failed to manifest any romantic or filial bond among them. It was also explained through an affidavit<sup>64</sup> executed by spouses Dante Capindian and Timotea Jamito that Atty. Dalangin was a principal sponsor, while Pascual’s family were guests, in their wedding which was held on August 6, 2011 in Puerto Princesa, Palawan. Apparently, the photos were taken during the said trip. Pascual’s husband, Edgardo, was also present for the occasion.

---

<sup>59</sup> A.C. No. 8677, June 15, 2016, 793 SCRA 309.

<sup>60</sup> Id. at 315.

<sup>61</sup> *Rollo* (A.C. No. 10758), Vol. I, p. 258.

<sup>62</sup> Id. at 253.

<sup>63</sup> Id. at 387-388.

<sup>64</sup> *Rollo* (A.C. No. 10758), Vol. II, pp. 753-754.

*Meyer*

The Court, nonetheless, does not find Atty. Dalangin totally absolved of fault. While he vehemently denied any romantic relationship with Pascual, he admitted demonstrating closeness with the latter's family, including her children. It was such display of affection that could have sparked in the minds of observers the idea of a wrongful relationship and belief that Julienne was a product of the illicit affair. Atty. Dalangin should have been more prudent and mindful of his actions and the perception that his acts built upon the public, particularly because he and Pascual were both married. "As officers of the court, lawyers must not only in fact be of good moral character but must also be seen to be of good moral character and leading lives in accordance with the highest moral standards of the community."<sup>65</sup> As keepers of public faith, lawyers are burdened with a high degree of social responsibility and, hence, must handle their personal affairs with great caution."<sup>66</sup>

The fault, nonetheless, does not warrant Atty. Dalangin's suspension, much less disbarment. An admonition should suffice under the circumstances. The following pronouncement in *Advincula v. Macabata*<sup>67</sup> is pertinent:

While it is discretionary upon the Court to impose a particular sanction that it may deem proper against an erring lawyer, it should neither be arbitrary and despotic nor motivated by personal animosity or prejudice, but should ever be controlled by the imperative need to scrupulously guard the purity and independence of the bar and to exact from the lawyer strict compliance with his duties to the court, to his client, to his brethren in the profession and to the public.

x x x Only those acts which cause loss of moral character should merit disbarment or suspension, while those acts which neither affect nor erode the moral character of the lawyer should only justify a lesser sanction unless they are of such nature and to such extent as to clearly show the lawyer's unfitness to continue in the practice of law. x x x<sup>68</sup>

### *Gross Misconduct and Malpractice*

Atty. Dalangin was also charged, and recommended for suspension from the practice of law, for several other acts involving use of misleading evidence in court and preparation of affidavits with perjured statements to support cases and complaints for disbarment. When he still served as a

---

<sup>65</sup> *Vitug v. Rongcal*, 532 Phil. 615, 626 (2006).

<sup>66</sup> *Valdez v. Dabon, Jr.*, 773 Phil. 109, 126 (2015).

<sup>67</sup> *Supra* note 57.

<sup>68</sup> *Id.* at 447-448.

*Meyer*

public attorney, he likewise allegedly demanded acceptance fees from indigent clients, and appeared in courts beyond his area of jurisdiction. Even these charges, however, were not supported by evidence that could warrant Atty. Dalangin's suspension. And while there were several other charges included in the complaint against Atty. Dalangin, the accusations were actually for actions that should be attributed not to him, but to other individuals like Pascual.

Specifically on the claim that Atty. Dalangin failed to fully explain to Marzan and Valdez the contents of the affidavit that supported a disbarment case against Atty. Torres, the Court takes note of the fact that the alleged failure to explain did not necessarily equate to the falsity of the claims therein made. It refers to the joint affidavit executed by Marzan and Valdez, and which was attached to the complaint in CBD Case No. 11-3215, whereby affiants merely alleged that they signed the affidavit even when they were not fully apprised of its contents.<sup>69</sup> It was not alleged that they were fraudulently lured or tricked by Atty. Dalangin into signing the complaint, and that the charges therein hurled against Atty. Torres were absolutely false. Thus, the claim that Atty. Dalangin knowingly brought a groundless suit against a fellow lawyer had no leg to stand on.

The charge of malpractice for Atty. Dalangin's supposed demand for attorney's fees while he still worked as a PAO lawyer also remained unsubstantiated by evidence. Such serious imputation could not have been adequately established by an affidavit that was executed in 2010 by a lone person, Camacho, from whom the demand for ₱8,000.00 was allegedly made in 2001.<sup>70</sup> Similarly, while Atty. Dalangin admitted to have appeared in courts beyond his area of jurisdiction as public attorney, he claimed to have obtained permission therefor from the Regional Public Attorney, a defense which the complainants failed to refute. In the absence of contrary evidence, the presumption that the respondent regularly performed his duty in accordance with his oath shall prevail,<sup>71</sup> especially as the Court considers it highly improbable for the courts where appearances were made to fail to notice such patent irregularity, if Atty. Dalangin was indeed not authorized to perform his acts before their courts as a public attorney.

Anent the failure of Atty. Dalangin to submit all pages of a certificate of title in Civil Case No. 336-SD(04)AF pending with the RTC, Branch 88, Sto. Domingo, Nueva Ecija and entitled *Tamayo v. Philippine National Bank*, it has been explained that the error had been corrected at once during the pre-trial conference.<sup>72</sup>

---

<sup>69</sup> *Rollo* (A.C. No. 10758), Vol. I, pp. 12-13.

<sup>70</sup> *Id.* at 29.

<sup>71</sup> *Vitug v. Rongcal*, supra note 65, at 630.

<sup>72</sup> *Rollo* (A.C. No. 10758), Vol. I, pp. 94.

*Meyer*

Among the other charges imputed against Atty. Dalangin in A.C. No. 10758, the Court only finds fault for his misquote of jurisprudence cited in a pleading filed with the RTC, Branch 35, Gapan City for Cad. Case No. 1564-05 entitled *Bangko Luzon v. Diaz*. It was narrated in the complaint in CBD Case No. 11-3215 that:

14. x x x [T]he cited jurisprudence is hereto quoted:

“If a court of competent jurisdiction annulled the foreclosure sale of the property in question, the issuance of a writ of possession ceases to be ministerial.”

15. In the said case of BPI vs. Tampipi, there is nothing mentioned about the cessation of the ministerial function of the court but instead what is clearly stated in the decision are the following:

“Until the foreclosure sale of the property in question is annulled by a court of competent jurisdiction, the issuance of a writ of possession remains the ministerial duty of the trial court.”<sup>73</sup>

Atty. Dalangin invoked adherence to the substance and spirit of the cited ruling.<sup>74</sup> As counsel and officer of the court, however, with the corresponding duty to aid the courts in the task of ascertaining the truth, Atty. Dalangin was remiss in the discharge of his duties under the CPR. Canon 10, Rule 10.02 thereof provides:

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

The Court, nonetheless, still does not find suspension to be an appropriate penalty for the act. While the Court detests Atty. Dalangin’s failure to properly indicate that the statement was not a verbatim reproduction of the cited jurisprudence and, accordingly, calls his attention on the matter, it finds the admonition to be adequate.

A suspension for the lone incident would be too harsh a penalty. It appeared that the supposed quotation was Atty. Dalangin’s own conclusion from the cited jurisprudence. There was no clear indication that the statement was intended to mislead the court or commit a falsehood; there

---

<sup>73</sup> Id. at 6-7.

<sup>74</sup> Id. at 92.

*Meyer*

was no brazen deviation from the principle or doctrine that was embodied in the jurisprudence's original text.

### **A.C. No. 10759**

In relation to A.C. No. 10759 on Atty. Dalangin's altercation on November 14, 2011 with Alvaro as the latter was waiting for the start of a court hearing in the RTC of Sto. Domingo, Nueva Ecija, the records include affidavits executed by witnesses who did not appear to have any reason to falsely testify against Atty. Dalangin on the incident.

Affiant Josephine Rivera, in particular, who claimed to be also then waiting for a scheduled hearing, allegedly saw Atty. Dalangin shout and point at Alvaro, as he threatened to file a case against the latter.<sup>75</sup> Two security guards stationed at the trial court, evidently disinterested persons who would not have wrongly testified against Atty. Dalangin, likewise confirmed that such heated confrontation actually transpired. Pertinent portions of the guards' affidavit<sup>76</sup> read:

1. Na noong ika-14 ng Nobyembre, 2011, ganap na ika-8:45 ng umaga humigit kumulang, habang nakaupo si [Alvaro] sa "bench", upuang mahaba malapit sa aming kinauupuan dito sa pintuan ng Hall of Justice, Regional Trial Court, Baloc, Sto. Domingo, Nueva Ecija at kausap niya ang isa niyang kasama, dumating si Atty. Bayani Dalangin at pagkakita kay [Alvaro] ay pinagsisigawan ito at maraming sinabi laban kay [Alvaro];
  2. Na maraming nakarinig, nakakita at nagulat sa pangyayaring ito;
- x x x<sup>77</sup>

For the Court, Atty. Dalangin erred in his conduct subject of the complaint, especially since his outburst was carried out within the court premises and in the presence of several persons who readily witnessed his fit of anger. Part of Atty. Dalangin's duties as a lawyer is to maintain the honor that is due the profession. Members of the legal profession should commit to the mandates of Canon 7, particularly Rule 7.03 thereof, to wit:

CANON 7 – A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION X X X.

---

<sup>75</sup> *Rollo* (A.C. No. 10759), p. 1845.  
<sup>76</sup> *Id.* at 1846.  
<sup>77</sup> *Id.*

*Meyer*

Rule 7.03 – A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

Although Atty. Dalangin, at that instant, could have been stirred by his frustration or resentment for the disbarment case filed against him by Alvaro, such circumstance could not have absolved him from any responsibility for his conduct. At most, this only serves to mitigate the penalty that the Court deems appropriate to impose, as it likewise considers its finding that Alvaro's allegations in CBD Case No. 11-3215 on the supposed extra-marital affair of Atty. Dalangin with Pascual were indeed not backed by sufficient evidence. The Court finds it appropriate to impose upon Atty. Dalangin a **fine of ₱5,000.00**, with a stern warning that a more severe sanction will be imposed on him for any repetition of the same or similar offense in the future.

Although the Court has admonished Atty. Dalangin in A.C. No. 10758, it finds the imposition of this fine still suitable under the circumstances, given that A.C. No. 10759, although resolved jointly with A.C. No. 10758, is a distinct administrative case that covers a separate complaint that was instituted solely by Alvaro. The severity of this offense likewise varies from the other breaches for which the Court has determined the admonition to be appropriate.

#### **A.C. No. 10760 and A.C. No. 10761**

The Court affirms the decision of the IBP to dismiss the administrative complaints filed by Atty. Dalangin against Atty. Torres and Atty. Andres.

In A.C. No. 10760, Atty. Dalangin sought to support his complaint by referring to the supposed participation of Atty. Torres and Atty. Andres in a violation of the Anti-Wiretapping Act. He asserted that the act also violated the lawyer's oath, and breached Canon 1, Rules 1.01 and 1.02 of the CPR which reads:

CANON 1 – A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

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

Rule 1.02 – A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

*Meyer*

The alleged violation of the statute is a serious charge that the Court cannot take lightly, in view of the breach of the basic and constitutional right to privacy of communication that inevitably results from the act. In brief, the law prohibits any person “to tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept or record such communication or spoken word by using a device commonly known as a dictaphone or dictagraph or detectaphone or walkie-talkie or tape recorder x x x.”<sup>79</sup> It likewise forbids any person from possessing, replaying or furnishing transcriptions of communications that are obtained in violation of the law.

In this case, Atty. Dalangin claimed that Atty. Torres and Atty. Andres conspired with Alejo on the wrongful recording of a private communication with Pineda, along with the use of the transcript thereof to support Alejo’s affidavit in CBD Case No. 11-3215. However, Pineda’s own denial of the truth of the statements in the transcription lends doubt as to the allegation of a purported secret recording of an actual conversation. While Pineda denied knowledge that her telephone conversation with Alejo was recorded by the latter, she still refused to acknowledge the veracity of the assertions that she allegedly made as contained in the transcript,<sup>80</sup> which then appears to be a rejection of the supposed conversation. Given the circumstances, the IBP correctly ruled that Atty. Dalangin failed to substantiate the charges in his complaint against Atty. Torres and Atty. Andres.

The same conclusion equally applies in A.C. No. 10761. The commission of perjury was imputed upon Atty. Torres, as the person who prepared the affidavits of Marzan and Valdez. As witnesses in CBD Case No. 11-3215, Marzan and Valdez claimed that Atty. Dalangin prepared an affidavit for Atty. Torres’ disbarment without fully explaining to them the contents thereof. The fact that Atty. Torres induced the affiants to make perjured statements, however, was not established by clear and convincing proof. Even granting that statements of affiants were eventually determined to be inaccurate and untruthful, it would be wrong to at once ascribe error or fault upon the lawyers who drafted the affidavits, in the absence of clear and sufficient proof that they actively participated in the intentional commission of a fraud or declaration of fabricated statements.

---

<sup>79</sup>*R.A. No. 4200, Section 1.*<sup>80</sup>*Rollo (A.C. No. 10760), p. 2057.*

**WHEREFORE**, in light of the foregoing, the Court rules as follows:

(1) In **A.C. No. 10758**, respondent Atty. Bayani P. Dalangin is **ADMONISHED** to be more prudent and cautious in handling his personal affairs and dealings with courts and the public, with a **STERN WARNING** that any repetition of the same or similar acts in the future shall be dealt with more severely;

(2) In **A.C. No. 10759**, Atty. Bayani P. Dalangin is **FINED** Five Thousand Pesos (₱5,000.00) for his breach of Rule 7.03, Canon 7 of the Code of Professional Responsibility, with a **STERN WARNING** that a more severe sanction will be imposed upon him for any repetition of the same or similar offense in the future; and

(3) In **A.C. No. 10760** and **A.C. No. 10761**, Atty. Bayani P. Dalangin's petition for review is **DENIED**. The Court **AFFIRMS** the Integrated Bar of the Philippines (IBP) Board of Governors' Resolution No. XX-2013-768 dated June 21, 2013 and Resolution dated August 8, 2014, insofar as the IBP Board of Governors dismissed the following complaints: (1) CBD Case No. 12-3369 against Atty. Rosita L. Dela Fuente-Torres and Atty. Avelino Andres; and (2) CBD Case No. 12-3458 against Atty. Rosita L. Dela Fuente-Torres.

**SO ORDERED.**

  
**ANDRES B. REYES, JR.**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice



**ANTONIO T. CARPIO**  
Senior Associate Justice



**PRESBITERO J. VELASCO, JR.**  
Associate Justice

*In the result, pls. see  
separate opinion*



**DIOSDADO M. PERALTA**  
Associate Justice

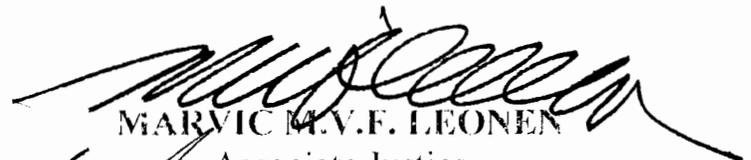
*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

(On official leave)  
**LUCAS P. BERSAMIN**  
Associate Justice



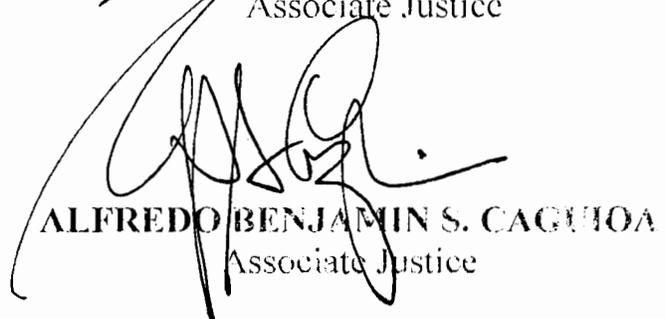
**MARIANO C. DEL CASTILLO**  
Associate Justice

*Estela M. Perlas-Bernabe*  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice

(On leave)  
**FRANCIS H. JARDELEZA**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

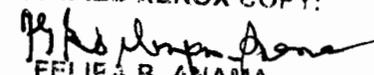


**SAMUEL K. MARTIRES**  
Associate Justice



**NOEL GUILLERMO TIJAM**  
Associate Justice

(On leave)  
**ALEXANDER G. GESMUNDO**  
Associate Justice

CERTIFIED XEROX COPY:  
  
**FELIPA B. ANAMA**  
CLERK OF COURT, EN BANC  
SUPREME COURT