



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 18, 2020 which reads as follows:

“A.C. No. 8005 (Reynaldo Tabucol, Complainant, v. Atty. Rodrigo Domingo, Jr., Respondent). – This administrative case stemmed from the complaint¹ dated 26 February 2007 filed before the Integrated Bar of the Philippines (IBP) by Reynaldo Tabucol (complainant) against Atty. Rodrigo Domingo, Jr. (Domingo) and Atty. Glenda Mendoza (Mendoza) for gross misconduct.

Antecedents

Complainant alleged that he engaged the services of the law firm of Domingo & Dizon (the firm) in the illegal dismissal case he filed against The Peninsula Manila. Domingo was the Managing Partner of the firm and Mendoza represented complainant in the proceedings before the Labor Arbiter.

On 12 October 1994, complainant learned that the labor case was dismissed on account of the Joint Motion to Dismiss² filed by the parties. Complainant claimed that his signature was forged in the Deed of Release and Quitclaim³ submitted to the Labor Arbiter. He also denied receiving the amount of Php100,000.00 as settlement of the labor case. Complainant asserted that after the case was dismissed, he could no longer contact both Domingo and Mendoza.

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¹Rollo, pp. 1-2.

²Id. at 8.

³Id. at 9.

In her Answer,⁴ Mendoza alleged that she handled complainant's *pro bono* labor case. On 12 October 1994, complainant agreed to settle the labor case, and signed the Deed of Release and Quitclaim in exchange for the Php100,000.00 check he personally received from the representative of The Peninsula Manila before the Labor Arbiter. A Joint Motion to Dismiss was then filed by the parties on the same date, which led to the dismissal of the labor case.

Contrary to complainant's allegation that she disappeared after the labor case was dismissed, Mendoza stated that she was with the firm until her appointment in July 1995 as Clerk of Court of the Regional Trial Court (RTC) of Pasig City, and that the firm only moved to another address in 2000. When Mendoza received the complaint against her, she called the NLRC to inquire about complainant's labor case, but was informed that the records of the case were missing, and that complainant borrowed the case folders several times in 2006.

Complainant filed the administrative complaint for gross misconduct against Domingo and Mendoza on 26 February 2007, or more than 12 years after the labor case was dismissed. Since Mendoza had been appointed Judge of Branch 30, Metropolitan Trial Court (MeTC) of Manila on 12 December 2006,⁵ her case was forwarded to this Court. The administrative complaint against Mendoza was re-docketed as a regular administrative matter.⁶ Her case was referred to the Executive Judge of the Manila RTC for investigation, report, and recommendation.

The Executive Judge found no evidence to support complainant's allegations and recommended that the signature of complainant in the Deed of Release and Quitclaim be referred to the National Bureau of Investigation (NBI) for handwriting examination. Upon scientific comparative examination of the sample signature specimens of complainant in several documents and the questioned signature in the Deed of Release and Quitclaim, the NBI concluded that "[t]he questioned and the standard/sample signatures 'REYNALDO TABUCOL' were written by one and the same person."

⁴*Id.* at 14-18.

⁵*Id.* at 30.

⁶A.M. No. MTJ-09-1750, *Tabucol v. Judge Mendoza-Ramos, MeTC, Br. 30, Manila, Rollo, A.M. No. MTJ-09-1750, no pagination.*

The administrative case against Mendoza was subsequently referred to the Office of the Court Administrator (OCA) for evaluation, report, and recommendation. In its report⁷ dated 14 June 2012, the OCA recommended the dismissal of the case against Mendoza in view of complainant's utter failure to substantiate his claims and the NBI's findings on the genuineness of his signature on the Deed of Release and Quitclaim.

In a Resolution⁸ dated 01 August 2012 in A.M. No. MTJ-09-1750, the Court adopted the findings, conclusions, and recommendations of the OCA. Accordingly, the Court dismissed the administrative complaint against Mendoza for insufficiency of evidence, and declared the administrative matter closed and terminated.

However, the administrative case against Domingo remained unresolved and was referred to the Office of the Bar Confidant (OBC) for evaluation, report, and recommendation. Considering the dismissal of the complaint in A.M. No. MTJ-09-1750, which arose from the same set of facts and circumstances as the administrative complaint against Domingo, the OBC recommended that this case likewise be dismissed for insufficiency of evidence and for lack of basis.

Ruling of the Court

In administrative proceedings against lawyers, the burden of proof rests upon the complainants who must prove their allegations by substantial evidence.⁹ In this case, complainant failed to substantiate his allegation that Domingo and Mendoza conspired to have his labor case dismissed by forging his signature on the Deed of Release and Quitclaim. On the contrary, the NBI's scientific comparative examination proved that complainant's signature on the Deed of Release and Quitclaim was genuine and not forged. The Deed of Release and Quitclaim expressly stated that in consideration of the amount of Php100,000.00 received by complainant, he releases The Peninsula Manila from all damages and claims relative to the labor case. In fact, Mendoza saw complainant personally receive the Php100,000.00 check from the counsel of The Peninsula Manila in the presence of the Labor Arbiter on 12 October 1994.

⁷Rollo, A.M. No. MTJ-09-1750, no pagination.

⁸*Id.*

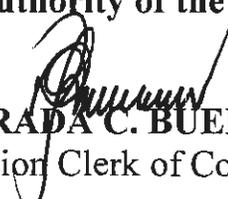
⁹*Manubay v. Garcia*, A.C. No. 4700, 12 April 2000, 386 Phil. 440-445 (2000).

The present administrative complaint against Domingo arose from the same set of facts and circumstances as the administrative complaint against Mendoza, which the Court has already dismissed for insufficiency of evidence. Thus, it is only proper that this case likewise be dismissed for insufficiency of evidence and lack of merit.

WHEREFORE, the administrative complaint against Atty. Rodrigo Domingo, Jr., is hereby **DISMISSED** for lack of merit.

SO ORDERED." (CARANDANG, J., on official leave)

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 64-115124

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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