



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **November 23, 2020**, which reads as follows:

“A.C. No. 8545 [Formerly CBD Case No. 10-2804] (*Jeffrey C. Flores v. Atty. Elmer Train*). – In this administrative complaint¹ filed by Police Officer 3 Jeffrey C. Flores (PO3 Flores) against Atty. Elmer Train (Atty. Train), PO3 Flores alleged that on or about January 13, 2010 at 8:30 in the evening, the Quezon City Police District (QCPD), Anti-Illegal Drugs Special Operation Task Group (AIDSOTG) conducted a buy-bust operation against Noel Salvador (Salvador) who was apprehended and from whom one (1) small heat-sealed plastic sachet containing *shabu* and marked money were confiscated. At around 10:00 p.m., the operatives turned over the custody of Salvador and the seized items to PO3 Flores for investigation.

Around 12:00 midnight, Atty. Train went to their office and introduced himself as Chairman of the People’s Law Enforcement Board (PLEB) of Quezon City. He questioned the legality of Salvador’s arrest and threatened to file charges against them before the PLEB. When PO3 Flores was about to take a photograph of the seized items and Salvador, Atty. Train told them, “*Hindi ninyo pwede kunan ng litrato wala kayong media, DOJ na representative at hindi p[w]edeng hawakan yang pera dahil ipapa examine ko yan at shabu.*”² Before leaving their office, Atty. Train arrogantly told them: “*Baka pag-alis ko saka puntang ina [sic] ninyo kunan ninyo litrato yun kliyente ko, gawin ninyo trabaho ninyo at pagkatapos gagawin ko naman ang trabaho ko pagdating sa PLEB yari kayo.*”³

PO3 Flores further averred that during the inquest proceedings on January 14, 2010, Atty. Train asked PO3 Flores: “*Ano oras ba ninyo inquest iyan nandun na si Fiscal Pamittan.*”⁴ When they brought Salvador to the Quezon City Hall of Justice at around 8:30 p.m., Atty. Train instructed:

¹ *Rollo*, pp. 2-4.

² *Id.* at 2.

³ *Id.*

⁴ *Id.* at 3.

*"Hiintayin ninyo ako sabay sabay tayong aakyat sa taas."*⁵ They then went to Assistant City Prosecutor Mary Jean Pamittau's office. During the inquest proceedings, Atty. Train defended Salvador without being asked and despite having no personal knowledge of the incident. In support of these allegations, PO3 Flores submitted the Sworn Joint Affidavit of PO3 Wilberto Blanco and PO2 Joel Diomampo,⁶ both members of the QCPD AIDSOTG.

Complainant further narrated that while he was at the PLEB Office in the morning of January 15, 2010 to get a certification, Atty. Train pointed a finger at him, cursed him and made the following unsavory remarks, *"Ikaw putang ina mo noon nandoon ako sa opisina nyo di mo ako iniintindi, sisipain kita dito palabas,"*⁷ thereby suffering verbal abuse and humiliation while in official uniform. This was attested to by Roberto Dolores (Dolores) in his *Sinumpaang Salaysay*.⁸

In his Comment,⁹ Atty. Train substantially denied all of PO3 Flores' accusations.¹⁰ He claimed that he was only rendering legal assistance to Salvador, who was allegedly arrested without a warrant and while not committing any crime. He averred that PO3 Flores was distorting the facts to tailor-fit his complaint against him. Atty. Train asserted that he was only zealously protecting the rights of his client and did not harass or threaten PO3 Flores, or utter offensive language. He maintained that he was only performing his duty to defend his client and reminding the police officers to strictly follow the law and to do their job properly.

Atty. Train admitted confronting PO3 Flores in the PLEB Office by telling him: *"Ang sarap ng upo mo dyan ah samantalang ako nung nandun sa opisina nyo ni hindi mo man lang inintindi at pinaupo"*¹¹ but denied telling him that he wanted to kick him out of the office. He clarified that the latter was in civilian clothing and was not accompanied by Dolores at that time. He insisted that he could not have shouted at PO3 Flores because there was an ongoing hearing. He posited that PO3 Flores filed the complaint for the purpose of harassing him and Salvador and to prevent them from filing a case against him (PO3 Flores).

During the mandatory conference before the Integrated Bar of the Philippines (IBP) on April 12, 2011, Atty. Train submitted the Joint Affidavit¹² of Jonah Eustaquio (Eustaquio) and Emma Lood (Lood), who are PLEB employees. They stated that on January 15, 2010, Atty. Train said only uttered the following words to PO3 Flores, *"Ang sarap ng upo mo dyan ah samantalang ako nung nandun sa opisina nyo ni hindi mo man lang inintindi*

⁵ Id.

⁶ Id. at 5-6.

⁷ Id. at 3.

⁸ Id. at 7.

⁹ Id. at 16-20.

¹⁰ Id. at 16-20.

¹¹ Id. at 18-19.

¹² Id. at 31-32.

at pinaupo."¹³ Eustaquio and Lood claimed that Atty. Train never shouted nor uttered defamatory remarks at PO3 Flores, who went to the PLEB office alone and in civilian clothing on that day.¹⁴

Report and Recommendation of the IBP:

The Investigating Commissioner¹⁵ recommended that Atty. Train be reprimanded.¹⁶ He found PO3 Flores' narration of events more compelling against the initially bare defense of denial interposed by Atty. Train. He noted that Atty. Train belatedly submitted the Joint Affidavit of Eustaquio and Lood, and not simultaneously with the filing of his Comment, which adversely affected the reliability of his defense.

In Resolution No. XXI-2014-620¹⁷ dated September 27, 2014, the Board of Governors (BOG) of the IBP adopted and approved the findings and recommendation of the Investigating Commissioner to issue a reprimand on Atty. Train.

Aggrieved, Atty. Train filed a Most Urgent Motion for Reconsideration.¹⁸

He reiterated that during the incident in issue, he was merely protecting the interests of his client, Salvador. He further disputed the notarized statements of PO3 Flores and his witnesses, as these were unfiled with the Office of the Clerk of Court of the Quezon City Regional Trial Court (OCC-QC RTC), and the notary public who notarized the same was not a commissioned notary public for and in Quezon City, as certified by the OCC-QC RTC. Atty. Train also questioned the Investigating Commissioner's finding that he belatedly filed his documentary evidence. He clarified that his filing during the mandatory conference before the IBP should not be considered as late since during the proceedings before the Court, he was merely asked to file his comment. He disagreed with the Investigating Commissioner's position that in disbarment proceedings, any and all documents unattached to a comment before the Court and only submitted thereafter before the IBP can no longer be accepted since they were "belatedly filed." Withal, Atty. Train prayed for the dismissal of the complaint and his absolution from the penalty of reprimand against him.¹⁹

Atty. Train likewise filed a Most Urgent Manifestation and Motion,²⁰ informing the IBP of the finality of the dismissal of PO3 Flores' related complaint for Grave Coercion, Grave Threats, Slander, and violation of Presidential Decree No. 1829 (PD 1829) against him before the Office of the

¹³ *Id.* at 31-32.

¹⁴ *Id.* at 31-32.

¹⁵ Atty. Oliver A. Caclupero.

¹⁶ *Rollo*, p. 69.

¹⁷ *Id.* at 65.

¹⁸ *Id.* at 70-80.

¹⁹ *Id.*

²⁰ *Id.* at 81-83.

City Prosecutor of Quezon City,²¹ and of the correlative dismissal of the drug case filed against his client before the Regional Trial Court, Branch 227 of Quezon City.²²

In his Comment/Opposition to Respondent's Motion for Reconsideration,²³ PO3 Flores maintained that Atty. Train's display of improper attitude, arrogance, misbehavior, and misconduct in the performance of his duties both as a lawyer and officer of the court, before the public and the court, was a patent transgression of the ethics that lawyers are sworn to uphold.

In Resolution No. XXI-2015-360,²⁴ the IBP BOG granted respondent's motion for reconsideration and accordingly recommended the dismissal of the complaint against him.

Our Ruling

The Court adopts the findings of the IBP and approves its recommendation to dismiss the complaint against Atty. Train.

Settled is the rule that in disbarment proceedings, the complainant must satisfactorily establish the allegations of his or her complaint through substantial evidence. Mere allegations without proof are disregarded considering the gravity of the penalty prayed for. Charges based on mere suspicion and speculation cannot be given credence.²⁵

Section 5, Rule 133 of the Rules of Court provides:

SEC. 5. Substantial evidence. - In cases filed before administrative or quasi-judicial bodies, a fact may be deemed established if it is supported by substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

PO3 Flores was remiss in this regard. As a complainant, he failed to muster substantial evidence to mount his case against Atty. Train. Based on records, we do not find anything from the complained acts that would constitute a violation of the ethical standards of the legal profession. If anything, we noticed a display of the lawyer's zealousness to protect the interests of his client. It must be emphasized that the IBP and the courts are not venues for redress of mere personal grievances against lawyers. Disciplinary penalties for members of the bar are meted out only upon a clear showing of administrative liability, which is absent in this case.

²¹ Id. at 84-87.

²² Id. at 89-92.

²³ Id. at 129-133.

²⁴ Id. at 137.

²⁵ *Ick v. Amazona*, A.C. No. 12375, February 26, 2020.

More importantly, Atty. Train sufficiently countered PO3 Flores' accusations. He submitted a Resolution dated January 30, 2012 issued by the Office of the City Prosecutor of Quezon City (OCP-QC) dismissing the criminal charges for Grave Coercion, Grave Threats, Slander, and violation of PD 1829 filed against him by PO3 Flores.²⁶ These criminal charges were grounded on the same facts as the administrative case at hand. Per Certification dated March 29, 2012, the OCP-QC verified that PO3 Flores did not move for reconsideration of their dismissal.²⁷ Also dismissed by the OCP-QC were the drug-related charges against Salvador, for which the latter was arrested by PO3 Flores and from which Atty. Train steadfastly secured his constitutional rights. The OCP-QC had resolved in its Resolution dated January 17, 2012 that Salvador was, indeed, illegally arrested.²⁸ In this regard, the OCP-QC had moved for the withdrawal of the Information against Salvador.²⁹ We also give due credence to the Joint-Affidavit of Eustaquio and Lood, both supporting the veracity of Atty. Train's version of the facts.³⁰

Withal, Atty. Train has adequately discharged his burden of evidence with the required quantum of proof. PO3 Flores having offered nothing in rebuttal, his complaint against Atty. Train is gravely weak for Us to sustain.

Lawyers are, indeed, ever beholden to 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

X X X X

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. Train manifested zealousness in protecting the interests of his client, the records remain bereft of any indication that he exceeded the boundaries of what is proper under the Code of Professional Responsibility. In fact, he fully complied with the mandate of Canon 7.03. As aptly recommended by the IBP, Atty. Train's conduct merits no disciplinary action.

WHEREFORE, the Court **ADOPTS** and **APPROVES** the Resolution No. XXI-2015-360 dated June 5, 2015 of the Board of Governors of the Integrated Bar of the Philippines. **ACCORDINGLY**, the complaint for disbarment against Atty. Elmer Train is **DISMISSED** for lack of merit.

²⁶ *Rollo*, pp. 84-87.

²⁷ *Id.* at 88.

²⁸ *Id.* at 90-91.

²⁹ *Id.* at 92.

³⁰ *Id.* at 31-32.

SO ORDERED." (J. Delos Santos, on leave.)

By authority of the Court:

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