

SECOND DIVISION

[A.C. No. 10636, October 12, 2020]

MANUEL B. TABLIZO, COMPLAINANT, VS. ATTYS. JOYRICH M. GOLANGCO, ADORACION A. AGBADA, ELBERT L. BUNAGAN, AND JOAQUIN F. SALAZAR, RESPONDENTS.

D E C I S I O N

HERNANDO, J.:

Before the Court is an administrative case for Grave Misconduct initiated by complainant Manuel Bajaro Tablizo against the following respondents, all officials of the Office of the Deputy Ombudsman for Luzon:

- (a) Respondent Atty. Elbert L. Bunagan (Bunagan), Graft Investigation & Prosecution Officer (GIPO) I - Bureau A;
- (b) Respondent Atty. Joaquin F. Salazar (Salazar), Director, Evaluation & Investigation Office (EIO) - Bureau A;
- (c) Respondent Atty. Joyrich M. Golangco (Golangco), GIPO I - Bureau B; and
- (d) Respondent Atty. Adoracion A. Agbada (Agbada), Director, EIO - Bureau B.

It arose from the following factual antecedents:

Through separate Complaint-Affidavits filed before the Provincial Prosecutor Office of Virac, Catanduanes, complainant averred that Santos V. Zafe (Zafe) and Jose U. Alberto II (Alberto), then former and incumbent Mayors, respectively, of the Municipality of Virac, Catanduanes, violated Republic Act (RA) Nos. 3019^[1] and 6713^[2] when they failed to sign each and every page of certain municipal tax ordinances^[3] as required by Section 54 of the Local Government Code (LGC) and for still implementing them in the said Municipality, despite their defect and nullity. The Complaint-Affidavits were indorsed to the Office of the Ombudsman for Luzon where they were docketed as OMB-L-C-12-0531/OMB-L-A-12-06-13 and OMB-L-C-12-0532/OMB-L-A-0614 (OMB Cases) and raffled to respondent Atty. Bunagan, GIPO I - Bureau A. After an exchange of pleadings by the parties, respondent Atty. Bunagan issued a Consolidated Resolution^[4] dated October 18, 2013 (Consolidated Resolution), reviewed by respondent Atty. Salazar, EIO Director - Bureau A, with the following recommendations:

WHEREFORE, premises considered, it is respectfully recommended that:

1. In **OMB-L-C-12-0531**, the complaint for violation of Section 3(e) of R.A. No. 3019 against respondents former Municipal Mayors **JOSE U. ALBERTO II** and **SANTOS V. ZAFE**, both of the Local

- Government of Virac, Catanduanes, be **DISMISSED** for lack of merit;
2. In **OMB-L-C-12-0532**, the complaint for violation of Section 3(e) of R.A. No. 3019 against respondent former Municipal Mayor **JOSE U. ALBERTO II** of the Local Government of Virac, Catanduanes, be **DISMISSED** for lack of merit; and
 3. In **OMB-L-A-12-0613** and **OMB-L-A-12-0614**, the administrative complaints against respondents former Municipal Mayors **JOSE U. ALBERTO II** and **SANTOS V. ZAFE**, both of the Local Government of Virac, Catanduanes, be **DISMISSED** for the reasons discussed above. However, respondents are admonished that similar omission in the future shall be dealt with severely.^[5]

The Consolidated Resolution was approved by Ombudsman Conchita Carpio Morales (Carpio Morales) on December 26, 2013.^[6]

Complainant filed a Motion for Reconsideration of the Consolidated Resolution on the ground that grave errors of facts and violation of law had been committed prejudicial to his interest and rights. He also included in his Motion for Reconsideration a prayer that respondents Atty. Bunagan and Atty. Salazar inhibit themselves from the resolution of said motion to avoid any suspicion of partiality.

Acting on complainant's prayer for the inhibition of respondents Atty. Bunagan and Atty. Salazar, Deputy Ombudsman for Luzon Gerard A. Mosquera (Mosquera) reassigned the OMB Cases to EIO - Bureau B.

On April 8, 2014, a Consolidated Resolution (on Complainant's Motion for Reconsideration)^[7] (Consolidated Resolution - MR) was issued by respondent Atty. Golangco, GIPO I - Bureau B, and reviewed by respondent Atty. Agbada, EIO Director - Bureau B, recommending that complainant's Motion for Reconsideration be denied for lack of merit. The Consolidated Resolution - MR was approved by Ombudsman Carpio Morales on June 9, 2014.^[8]

Thereafter, complainant filed the instant Complaint-Affidavit dated July 9, 2014 against respondents before the Office of the Court Administrator (OCA), docketed as A.C. No. 10636. He averred that "respondents maliciously failed to follow/observe the standards of personal conduct provided under R.A. No. 6713 and R.A. No. 6770 in the discharge and execution of their official duties for failing and/or refusing to investigate in the real sense of the word, the charges against Alberto and Zafe."^[9] After receipt of respondents' Joint Comments, the Court, in a Resolution^[10] dated July 29, 2015, referred the administrative case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation. It was docketed as CBD Case No. 15-4788 before the Commission on Bar Discipline (CBD) of the IBP.

Complainant also subsequently filed a letter-complaint dated August 13, 2014 before the Internal Affairs Board (IAB) of the Office of the Ombudsman charging respondents with Grave Misconduct based on the very same allegations. The Evaluation Report^[11] dated October 10, 2014 submitted by the IAB Investigator and approved on January 23, 2015 by Deputy Ombudsman for Luzon Mosquera, dismissed the complaint outright.

In the meantime, Investigating Commissioner Dominica L. Dumangeng Rosario (Dumangeng-Rosario) scheduled and facilitated mandatory conferences among the parties in CBD Case No. 15-4788 on December 14, 2015, February 18, 2016, and July 22, 2016. Respondents attended all the mandatory conferences^[12] and duly submitted their respective mandatory conference briefs and subsequently, their Joint Position Paper.

In contrast, complainant failed to appear in any of the mandatory conferences. For the mandatory conference scheduled on February 18, 2016, he filed a Manifestation and Motion requesting the appointment of a suitable member of the Bar to act as his counsel and assist him during the hearing, citing Sections 2 and 7 of Rule 139-B of the Rules of Court. His Manifestation and Motion was forwarded by the IBP Board of Governors to the National Center for Legal Aid (NCLA). However, Atty. Jonas Florentino D.L. Cabochan (Cabochan), NCLA National Director, replied through a letter^[13] dated May 16, 2016 that the NCLA does not represent parties in disbarment proceedings. In an Order^[14] dated June 27, 2016, Investigating Commissioner Dumangeng-Rosario informed complainant of Atty. Cabochan's reply to his Manifestation and Motion; advised complainant to engage the services of counsel and to submit his mandatory conference brief within 10 days from notice; and directed the parties to attend the next mandatory conference on July 22, 2016. Once again, complainant failed to attend the mandatory conference on July 22, 2016, submitting instead another Manifestation and Motion in which he maintained that:

2. x x x Simply put, my trust and confidence in respondents herein as Ombudsman lawyers, have really eroded. Their resolutions dismissing and exonerating the respondents in my ombudsman case against the two (2) mayors of Virac, Catanduanes are the reasons why I filed a case against them at the Supreme Court because up to this point and time the people of Virac are made to pay their taxes computed based on the unsigned revenue code. x x x^[15]

After stating that his financial and health predicaments rendered him permanently unable to attend the mandatory conferences and that he needed the services of a counsel as he had no training and skill to prosecute the case by himself, he moved and prayed that Investigating Commissioner Dumangeng-Rosario pursue and continue the investigation of the instant administrative case in the interest of justice, equity, and fair play. Complainant then already submitted the case for resolution.^[16]

Report and Recommendation of the IBP:

In her Report and Recommendation dated January 27, 2017, Investigating Commissioner Dumangeng-Rosario concluded, thus:

As discussed above, it is not sufficiently shown that the respondents, Atty. Golangco, Atty. Agbada, Atty. Bunagan, and Atty. Salazar [have] violated any of their professional duties as a lawyer and therefore it is RECOMMENDED that the complaint against them be DISMISSED.^[17]

The IBP Board of Governors then passed a Resolution dated April 20, 2017 adopting the findings of fact and recommendation of the Investigating Commissioner to dismiss the complaint against the respondents.