

SECOND DIVISION

[A.C. No. 9850, August 06, 2018]

**ATTY. MA. ROWENA AMELIA V. GUANZON, COMPLAINANT, VS.
ATTY. JOEL G. DOJILLO, RESPONDENT.**

DECISION

PERALTA, J.:

Before us is a Complaint for Disbarment^[1] dated September 25, 2007, filed by Atty. Ma. Rowena Amelia V. Guanzon (*Atty. Guanzon*) against Atty. Joel G. Dojillo (*Atty. Dojillo*), for violation of the Code of Professional Responsibility and the Rules of Court on confidentiality of documents and proceedings, gross misconduct, discourtesy, unfairness, malicious and unethical conduct towards a fellow lawyer.

The facts are as follows:

Complainant Atty. Guanzon was the counsel of Rosalie Jaype-Garcia (*Rosalie*) and her minor children when they filed a Petition for Temporary Protection Order under R.A. No. 9262, otherwise known as the *Anti-Violence against Women and their Children Act of 2004* against Jesus Chua Garcia (*Garcia*), Rosalie's husband. Later, the Regional Trial Court (*RTC*), Branch 41 of Bacolod City granted the temporary protection order (*TPO*) and financial support in favor of the clients of Atty. Guanzon.

Subsequently, before the Integrated Bar of the Philippines (*IBP*), Garcia then filed a disbarment complaint against herein complainant Atty. Guanzon docketed as CBD Case No. 06-1710 and Administrative Case No. 7176 for immorality, grave misconduct and conduct unbecoming of a member of the Bar. In the said disbarment complaint, Garcia submitted the affidavits of Sheryl Jamola, former "yaya" of their child and a certain Bernadette Yap (subject documents), who both alleged that Atty. Guanzon has "romantic and pecuniary interest" on Rosalie and the financial support which was ordered by the court.

On June 13, 2006, Atty. Guanzon filed a case for Damages against Garcia and docketed as Civil Case No. 802-C before the Regional Trial Court (*RTC*), Branch 60, Cadiz City. On September 27, 2006, Atty. Guanzon filed anew a case for Unjust Vexation against Garcia and docketed as Criminal Case No. 06-10-12695 before the MTCC, Branch 6, Bacolod City. On October 12, 2006, Atty. Guanzon filed a case for Grave Oral Defamation against Garcia and docketed as Criminal Case No. 06-10-12696 before the MTCC, Branch 5, Bacolod City.

In Garcia's Answer and Counter-Affidavits in the aforesaid three (3) complaints, respondent Atty. Dojillo as counsel of Garcia, attached the documents in the disbarment case, *i.e.*, the affidavits of Sheryl Jamola and Bernadette Yap against Atty. Guanzon. Thus, the filing of disbarment complaint against Atty. Dojillo for violating the Code of Professional Responsibility and Section 18, Rule 139 on the

confidentiality of disbarment proceedings and documents.

Atty. Guanzon lamented that Atty. Dojillo knew that there was a disbarment suit filed by his client against her, yet, with malice and bad faith, he submitted the subject documents as part of Garcia's Answer and Counter-Affidavits. By doing so, Atty. Dojillo caused the exposure of confidential records in the disbarment case which damaged her good reputation.

On September 27, 2007, the Integrated Bar of the Philippines-Commission on Bar Discipline (*IBP-CBD*) resolved to require Atty. Dojillo to submit his answer on the charges against him.^[2]

In his Answer^[3] dated October 26, 2007, Atty. Dojillo averred that he was compelled to attach the subject documents as part of Garcia's Answer and Counter-Affidavit to establish Atty. Guanzon's motive since he surmised that the three (3) cases filed by the latter against his client was merely an afterthought and her way of revenge for filing the disbarment complaint against her.

Atty. Dojillo further argued that Atty. Guanzon herself attached the very same subject documents in her Complaint for Contempt against him and his client Garcia, docketed as Civil Case No. 824-C before the RTC, Branch 60, Cadiz City. Atty. Dojillo asserted that if Atty. Guanzon's act of attaching the subject documents in the said contempt case is not a violation of the confidentiality rule, then he has not violated the same rule also when he attached the same subject documents in Garcia's defense. Finally, Atty. Dojillo maintained that there was neither malice nor willful violation of the Rules of Court on the confidentiality of disbarment proceedings and the Code of Professional Responsibility when he submitted the subject documents to the courts.

In its Report and Recommendation,^[4] the IBP-CBD recommended that the instant disbarment complaint against Atty. Dojillo be dismissed for insufficiency of evidence.

Upon investigation, the IBP-CBD was unconvinced that Atty. Dojillo is liable for violation of the Code of Professional Responsibility and the Rules of Court on confidentiality of disbarment proceedings. It observed that Atty. Dojillo, as counsel, merely found it necessary to submit said subject documents in order to defend his client by establishing Atty. Guanzon's real motive in filing the civil and criminal cases against Garcia.

The IBP-CBD also opined that Atty. Guanzon's successive filing of cases against Garcia gives the impression that she merely wanted to overwhelm Garcia with several cases and exhaust his resources in order to get back at him for filing the disbarment case against her.

It likewise noted that in the unjust vexation case which Atty. Guanzon filed against Garcia, entitled *People of the Philippines v. Jesus Chua Garcia*, docketed as Criminal Case No. 06-10-12695, the MTCC, Branch 6, Bacolod City, similarly believed that Atty. Guanzon filed several cases against Garcia merely in retaliation for the latter's filing of disbarment case against her. The IBP-CBD, thus, further recommended that Atty. Guanzon be censured for filing harassment and baseless suits.

In Resolution No. XVIII-2008-645 ^[5] dated December 11, 2008, the IBP-Board of Governors adopted and approved with modification the report and recommendation of the Investigating Commissioner to dismiss complaint against Atty. Dojillo due to insufficiency of evidence. It further resolved to warn Atty. Guanzon to refrain from filing groundless complaints.

Atty. Guanzon moved for reconsideration, but the same was denied by the IBP-Board of Governors in Resolution No. :XX-2013-12^[6] dated January 3, 2013. It likewise affirmed the Resolution No. XVIII-2008-645 dated December 11, 2008.^[7]

Thus, on April 10, 2013, Atty. Guanzon filed the instant petition for review of IBP Resolution No. XX-2013-12.^[8]

RULING

The Court adopts the findings and recommendation of the Investigating Commissioner and the IBP Board of Governors.

In the instant case, we find that Atty. Guanzon failed to provide clear and convincing evidentiary support to his allegations against Atty. Dojillo. As the IBP aptly concluded, Atty. Dojillo cannot be faulted in attaching the disbarment records in his client's Answer and Counter-Affidavit in the three cases which Atty. Guanzon filed against his client as he found it necessary to establish factual basis on the motive of Atty. Guanzon in filing said cases against his client. In effect, Atty. Dojillo's act of attaching said subject documents to his client's Answer was to defend his client's cause which is his duty as counsel. In the absence of proof that Atty. Dojillo was motivated by malice or bad faith, or intent to harass or damage Atty. Guanzon's reputation, the instant disbarment complaint deserves no merit.

As a rule, an attorney enjoys the legal presumption that he is innocent of the charges against him until the contrary is proved. The burden of proof in disbarment and suspension proceedings always rests on the complainant. Considering the serious consequence of disbarment or suspension of a member of the Bar, this Court has consistently held that clear preponderant evidence is necessary to justify the imposition of administrative penalty. Preponderance of evidence means that the evidence adduced by one side is, as a whole, superior to or has greater weight than that of the other. Thus, not only does the burden of proof that the respondent committed the act complained of rests on complainant, but the burden is not satisfied when complainant relies on mere assumptions and suspicions as evidence.^[9]

It must also be pointed out that the confidentiality in disciplinary actions for lawyers is not absolute. It is not to be applied, under any circumstance, to all disclosures of any nature.^[10] The confidentiality rule requires only that proceedings against attorneys be kept private and confidential. The rule does not extend so far that it covers the mere existence or pendency of disciplinary actions.^[11] Thus, Atty. Dojillo, in attaching the subject documents to his client's Answer, did not *per se* violate the confidentiality rule as the purpose was to inform the court of its existence.

Moreover, the subject documents become part of court records which are protected