

THIRD DIVISION

[A.C. No. 8658, April 24, 2017]

FRANCIS C. ARSENIO, COMPLAINANT, V. ATTY. JOHAN A. TABUZO, RESPONDENT.

DECISION

TIJAM, J.:

Before this Court is a Complaint-Affidavit^[1] dated June 18, 2010 filed by Francis C. Arsenio (Arsenio), seeking the disbarment of Atty. Johan A. Tabuzo (Atty. Tabuzo) for conduct unbecoming of a member of the Bar.

The Facts

This case stemmed from an administrative complaint filed by Arsenio before the Philippine Overseas Employment Administration (POEA) against JS Contractor, a recruitment agency.^[2] During a scheduled hearing on May 10, 2000, Atty. Tabuzo, the Overseas Employment Adjudicator who was assigned to hear the case, asked him to sign three blank sheets of paper to which Arsenio complied.

A week after the scheduled hearing, Arsenio asked Atty. Tabuzo the reason why he was made to sign blank sheets of paper. Atty. Tabuzo angrily said, "*Bwiset! Napakakulit mo, doon mo malaman mamaya pagdating ng kalaban mo!*" Thereafter, Arsenio called up the office of Senator Rene Cayetano who advised him to make a clarification regarding the signed sheets of blank paper. Arsenio then approached Atty. Tabuzo but the latter again shouted at him saying, "*Bwiset! Goddamit! Alam mo ba na maraming abogado dito sa POEA na nagbebenta ng kaso?*" Atty. Tabuzo further said, "*Sabihin mo sa Cayetano mo at abogado mo na baka masampal ko sa mga mukha nila ang pinirmahan mong blanko! Sabihin mo na ang pangalan ko ay Atty. Romeo Tabuzo at kung hindi ka bumalik bukas ay mawawala ang kaso mo!*"^[3]

Arsenio later on discovered that his case against JS Contractor was dismissed. Hence, he filed a complaint against Atty. Romeo Tabuzo before the Office of the Ombudsman for violation of Republic Act (RA) No. 3019 or the "*Anti-Graft and Corrupt Practices Act.*"

In a Resolution^[4] dated February 1, 2002, Graft Investigation Officer II Wilfred Pascasio ordered that an Information be filed against Atty. Romeo Tabuzo upon finding of probable cause against him.

Atty. Tabuzo filed a Motion for Reconsideration alleging, among others, that there is no Atty. Romeo Tabuzo in the POEA and that he was never handed any copy of summons. He claimed that he was merely taking the initiative in filing the said motion to clear his name as he believed he was the person referred to in the earlier Order of the Office of the Ombudsman. Nonetheless, such motion was subsequently denied in an Order dated July 16, 2002.

Meanwhile, in a Decision dated December 6, 2011, the Regional Trial Court, Branch 213 of Mandaluyong City acquitted Atty. Tabuzo for violation of RA No. 3019.

Subsequently, Arsenio filed the present Complaint-Affidavit before this Court. In a Resolution^[5] dated November 24, 2010, this Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation. The IBP Commission on Bar Discipline (IBP-CBD) docketed the case as CBD Case No. 11-2912, entitled "*Francis C. Arsenio v. Atty. Johan Tabuzo*".

In his Omnibus Comment with Motion to Dismiss,^[6] Atty. Tabuzo denied the accusations against him, claiming that the alleged unethical acts are baseless. He averred that he had never acted in any conduct unbecoming of a public officer or uttered invectives and other alleged acts. To support his claim, he attached the Affidavits^[7] of two (2) Overseas Employment Adjudicators (OEA) who occupied the tables immediately adjacent to him in the Recruitment Regulations Branch. In said Affidavits, the OEAs attested to the effect that no such incident or any untoward event that called for attention transpired. Atty. Tabuzo also said that his constitutional right to due process was violated since he was not notified of the case against him before the Office of the Ombudsman as he was never served nor had personally received Orders from such Office.

The Resolutions of the IBP Commissioner and Board of Governors

In his Report and Recommendation,^[8] Investigating Commissioner Atty. Eldrid Antiquerra recommended that reprimand be imposed upon Atty. Tabuzo. The Investigating Commissioner ruled in such wise on the basis of the sworn affidavit of Arsenio and the Resolution of the Office of the Ombudsman.

In a Resolution dated March 20, 2013, the IBP Board of Governors resolved to adopt and approve with modification the said Report and Recommendation of the Investigating Commissioner upon finding that Atty. Tabuzo violated the Lawyer's Oath and Rule 8.01^[9] of the Code of Professional Responsibility. Hence, the IBP Board of Governors suspended Atty. Tabuzo from the practice of law for three months.

Atty. Tabuzo filed a Motion for Reconsideration but it was denied.^[10]

The Issue

Whether or not the instant disbarment complaint constitutes a sufficient basis to disbar Atty. Tabuzo.

The Court's Ruling

After examining the records of this case, the Court resolves to dismiss the instant disbarment complaint.

A case of suspension or disbarment is *sui generis* and not meant to grant relief to a complainant as in a civil case, but is intended to cleanse the ranks of the legal profession of its undesirable members in order to protect the public and the courts.

^[11]