



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames

*Please take notice that the Court, Third Division, issued a Resolution dated **January 30, 2023**, which reads as follows:*

“A.C. No. 10712 (Daniel B. Vergara, *Complainant*, v. Atty. Edwin Jon L. Pizarro, *Respondent*). Before the Court is an affidavit of complaint¹ dated December 17, 2014 filed by Daniel B. Vergara (complainant) against Atty. Edwin Jon L. Pizarro (respondent) before the Office of the Bar Confidant (OBC). Complainant alleged that respondent falsified the contents of, and subsequently notarized, the Deed of Absolute Sale of Real Property dated October 30, 2009 (subject document)² executed by complainant’s father, Jose B. Vergara, Sr. (Jose), as seller, and Rosarito A. Chua (Chua), as buyer, over a parcel of land covered by Transfer Certificate of Title No. RT-33232 (subject property).³

In particular, complainant alleged that: (1) respondent illegally inserted Cecelia Onsang Vergara’s (Cecelia) name in the subject document, designated her as the “wife” of Jose, and forged her signature to make it appear that she consented to the sale of the subject property,⁴ despite her having died on December 17, 2005 or almost four years before the subject document was executed;⁵ (2) respondent altered the date of the subject document from September 30, 2009 to October 30, 2009 to evade the payment of the penalty for late payment of taxes⁶ and consented to tax fraud when he allowed Chua to indicate the amount of ₱1,500,000.00 as consideration for the sale instead of the actual purchase price of ₱3,750,000.00⁷ which resulted in an underpayment of taxes;⁸ and (3) Jose only sold 15,000 square meters (sq. m.) to Chua,⁹ but the subject document stated an area of 16,940 sq. m.¹⁰

¹ Rollo, pp. 1–2.

² Id. at 11–12.

³ Id. at 5–6.

⁴ Id. at 1 and 11.

⁵ See Certification issued by Sr. Santo Nino Memorial Chapels; id. at 7.

⁶ Id. at 1.

⁷ Id. at 14.

⁸ Id. at 2.

⁹ Id.

¹⁰ See Affidavit of Adverse Claim; id. at 13.

In his Comment,¹¹ respondent denied the allegations against him and asserted that he only notarized the Deed of Absolute Sale dated September 30, 2009¹² which he already submitted to the Clerk of Court of the Regional Trial Court of Butuan City. Respondent averred that contrary to complainant's allegations, the document that respondent notarized did not contain the typewritten words "with my consent" and "wife," nor did it contain the name and signature of Cecelia on the lower right portion of the document. He posited that the illegal insertion and forgery took place after the document had already left his hands.¹³

Anent the allegation that respondent consented to tax fraud, he explained that Jose and Chua were walk-in clients, that he had no knowledge or participation in the negotiations between them, and that the terms of the Deed of Absolute Sale of Real Property were already agreed upon by the parties and payment had already been made through a bank fund transfer at the time when respondent notarized it.¹⁴

*Integrated Bar of the Philippines (IBP)
Report and Recommendation*

In a Report and Recommendation¹⁵ dated July 31, 2019, Investigating Commissioner Ernesto A. Altamira III (Investigating Commissioner) recommended the dismissal of the complaint for lack of merit and insufficiency of evidence.¹⁶ Then, on August 22, 2020, the IBP Board of Governors issued Resolution No. CBD-2020-08-30¹⁷ which approved and adopted the Investigating Commissioner's recommendation to dismiss the case, after finding the recommendation to be fully supported by the evidence on record and the applicable laws and rules.

Issue

Should respondent be held administratively liable for the acts complained of?

The Court's Ruling

After a thorough review of the records, the Court agrees with the recommendation of the IBP Board of Governors and finds that the dismissal of the complaint is in order.

¹¹ Id. at 38–45.

¹² Id. at 49–50.

¹³ Id. at 39.

¹⁴ Id. at 43–44.

¹⁵ Id. at 151–157.

¹⁶ Id. at 157.

¹⁷ Id. at 149.

It is well-settled that lawyers enjoy the legal presumption that they are innocent of the charges against them.¹⁸ Unless the complainant, who has the burden of proof, establishes his or her case by substantial evidence, or “that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion,” the complaint filed against lawyers must be dismissed.¹⁹

As aptly observed and concluded by the Investigating Commissioner, whose findings and recommendation were adopted by the IBP Board of Governors,²⁰ there is a sheer lack of evidentiary support to give credence to complainant’s blanket assertions that respondent falsified the contents of the subject document dated October 30, 2009²¹ and subsequently notarized it.²² There is likewise no evidence that shows that respondent consented to or was aware of the alleged under-declaration of the purchase price.²³ On the other hand, respondent was able to adequately show that the document he notarized did not contain the alterations and forgery complained of and that the falsification was committed after the document had already been notarized.²⁴ Verily, the dismissal of the complaint is in order.

To be sure, the rule is that charges based on bare allegations are “disregarded considering the gravity of the penalty prayed for,”²⁵ and that “[t]his Court will not penalize lawyers unless it is unmistakably shown that they are unfit to continue being a member of the Bar.”²⁶

WHEREFORE, the disbarment complaint against respondent Atty. Edwin Jon L. Pizarro is **DISMISSED** for lack of merit.

The Notice of Resolution No. CBD-2020-08-30 dated August 22, 2020 of the Integrated Bar of the Philippines Board of Governors, transmitted by Letter dated August 4, 2021 of Avelino V. Sales, Jr., Director for Bar Discipline, Integrated Bar of the Philippines Commission on Bar Discipline, together with the records and flash drive file, is **NOTED**.

SO ORDERED.”

By authority of the Court:

MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

¹⁸ *Asuncion v. Atty. Salvado*, A.C. No. 13242, July 5, 2022.

¹⁹ *Dillon v. Atty. De Quiroz*, A.C. No. 12876, January 12, 2021.

²⁰ *Rollo*, p. 149.

²¹ *Id.* at 11–12.

²² *Id.* at 156.


²³ *Id.* at 157.

²⁴ *Id.*

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

²⁶ *Buntag v. Atty. Toledo*, A.C. No. 12125, February 11, 2019.

By:


RUMAR D. PASION
Deputy Division Clerk of Court 03-30-23

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