



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 5, 2024 which reads as follows:

“A.C. No. 10903 [Formerly CBD Case No. 19-5975] (MILA S. ACOSTA, Complainant v. PROSECUTOR CHRISTOPHER SINGSON, Respondent). — This is an administrative complaint for disbarment filed by Mila S. Acosta against respondent Prosecutor Christopher Singson.¹

The Antecedents

On March 10, 2010, complainant filed a complaint for Perjury against Miguela Ortiz before the Office of the Provincial Prosecutor of Nueva Ecija. The case was assigned to respondent.²

Complainant alleged that Ortiz failed to attend the initial preliminary investigation of the Perjury case on May 1, 2010, hence, it was re-scheduled to May 25, 2010. Ortiz appeared on May 25, 2010 but did not submit a counter-affidavit. On June 1, 2010, Ortiz brought her *Kontra-Salaysay* personally. Complainant saw Ortiz giving a white envelope to respondent outside the premises of the Department of Justice (DOJ), raising complainant’s suspicion.³

Complainant further alleged that the receiving clerk in the office of respondent initially refused to accept complainant’s *Sagot sa Kontra-Salaysay* but eventually accepted the same upon the instruction of a co-employee.⁴

¹ *Rollo*, p. 1–2.

² *Id.* at 12–13

³ IBP Report and Recommendation, p. 1.

⁴ *Id.* at 2.

Complainant then repeatedly followed-up the case status but was advised that the Resolution will be sent to her once it is available. Wary of the situation, complainant wrote a Letter⁵ to the Provincial Prosecutor of Nueva Ecija on September 30, 2010.⁶

On January 24, 2011, complainant made a follow-up with the Prosecutor's Office and was shocked to discover that her Perjury case was already dismissed by respondent in a Resolution dated August 10, 2010. Complainant's motion for reconsideration thereof was likewise denied.⁷

Respondent denied complainant's allegation that a white envelope was handed to him by Ortiz on June 1, 2010 outside the DOJ premises. He pointed out that the said allegation was not mentioned in complainant's letter to the Provincial Prosecutor. What was complained about was the delay in the resolution of the Perjury case. Respondent averred that complainant did not have any proof to support her allegations against him. On the contrary, the instant disbarment complaint is impelled by an improper motive in view of his recommendation to dismiss the Perjury case.⁸

On September 10, 2015, complainant filed the instant disbarment complaint against respondent before the Office of the Bar Confidant. The Complaint was subsequently referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.⁹

On November 18, 2019, the Investigating Commissioner directed both parties to attend the Mandatory Conference on January 9, 2020 and to file their respective briefs five days before the said schedule.¹⁰

Only respondent appeared on January 9, 2020. However, the Investigating Commissioner noted that complainant arrived an hour after the conduct of the mandatory conference and filed a Conference Brief. The parties were then ordered to file their Position Paper.¹¹

In his Position Paper,¹² respondent denied the allegations against him. On the other hand, complainant failed to submit her position paper. Instead, she filed an Affidavit of Desistance¹³ stating that she was convinced by respondent's explanation relative to the instant complaint. Thus, she is desisting from pursuing the case for her peace of mind.

⁵ *Rollo*, p. 37

⁶ IBP Report and Recommendation, p. 2.

⁷ *Id.*

⁸ *Rollo*, pp. 33–36.

⁹ IBP Report and Recommendation, p. 3.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Rollo*, pp. 34–39.

¹³ *Id.* at 66.

Notwithstanding complainant's Affidavit of Desistance, the Investigating Commissioner proceeded to resolve the case. The Investigating Commissioner explained that the Affidavit of Desistance is immaterial for purposes of the present proceedings as a case of suspension or disbarment may proceed regardless of interest or lack of interest of the complainant.¹⁴

The IBP's Report and Recommendation

In her Report and Recommendation dated August 1, 2022, Investigating Commissioner Ma. Chere Gracita C. Reyes recommended the dismissal of the complaint for lack of jurisdiction.

Commissioner Reyes noted that the instant complaint was instituted by a party who was dissatisfied with respondent's resolution of the Perjury case. Clearly, the complaint pertained to the performance of the official functions of respondent as a government prosecutor. Hence, the authority to discipline him rests on the DOJ Secretary.

Commissioner Reyes stressed that as a general rule, the IBP has no jurisdiction to investigate and discipline government lawyers charged with administrative offense in the exercise of their official duties and functions, except when the said government lawyer has also violated the Lawyer's Oath, which does not obtain in this case.

Moreover, Commissioner Reyes found that complainant failed to substantiate her allegation that Ortiz gave a white envelope to respondent. No proof was adduced to support this contention. Thus, it remains to be a naked claim.

Our Ruling

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

At the outset, it bears to stress that "[a]s a general rule, a lawyer who holds a government office may not be disciplined as a member of the bar for misconduct in the discharge of his duties as a government official."¹⁵

This was echoed in *Trovela v. Robles*¹⁶ which similarly involved a disbarment case against prosecutors for recommending and approving the dismissal of the Estafa case filed by the complainant therein. The Court made it clear that the authority to discipline prosecutors exclusively pertained to their superior, the Secretary of Justice considering that the acts complained of undoubtedly arose from the respondents' performance or discharge of official

¹⁴ IBP Report and Recommendation, p. 4.

¹⁵ *Dinsay v. Cioco*, 332 Phil. 740, 742 (1996) [Per J. Francisco, Third Division].

¹⁶ 832 Phil. 1 (2018) [Per J. Bersamin, Third Division].

duties as DOJ prosecutors. Such authority may also pertain to the Office of the Ombudsman, which similarly exercises disciplinary jurisdiction over them as public officials pursuant to Section 15, paragraph 1, of Republic Act No. 6770 (Ombudsman Act of 1989).¹⁷

The exception to this is if that misconduct as a government official is of such a character as to affect their qualification as a lawyer or to show moral delinquency, then they may be disciplined as members of the bar on such ground.¹⁸ However, this exception does not obtain here.

It is also well to mention at this juncture that the Code of Professional Responsibility and Accountability (CPRA) now specifically mandates lawyers in government service to “observe the standard of conduct under the CPRA, the Code of Conduct and Ethical Standards for Public Officials and Employees, and other related laws and issuances in the performance of their duties.”¹⁹ The CPRA then cautions them that as government lawyers, they can still be subjected to “disciplinary action, separate and distinct from liability under pertinent laws or rules.”²⁰ Thus:

When a complaint is filed against a government lawyer, the Investigating Commissioner shall determine, within five (5) calendar days from assignment by raffle, whether the concerned agency, the Ombudsman, or the Supreme Court has jurisdiction. If the allegations in the complaint touch upon the lawyer’s continuing obligations under the CPRA or if the allegations, assuming them to be true, make the lawyer unfit to practice the profession, then the Investigating Commissioner shall proceed with the case. Otherwise, the Investigating Commissioner shall recommend that the complaint be dismissed.²¹

We find that complainant failed to provide clear and convincing evidentiary support to her allegations against respondent. As the IBP aptly found, records are bereft of evidence to substantiate complainant’s contention that Ortiz indeed handed a white envelope to respondent outside the DOJ premises. Even if this were true, there is no way to determine the contents of the said envelope if there are any, and whether the contents thereof are sufficient to accuse respondent of being unjust or bias.

In the absence of proof that respondent was motivated by bias, bad faith or manifest partiality in the disposition of complainant’s Perjury case against Ortiz, the instant disbarment complaint deserves no merit.

¹⁷ *Id.* at 6.

¹⁸ *Dinsay v. Cioco*, 332 Phil. 740, 742 (1996) [Per Francisco, Third Division].

¹⁹ CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon II, sec. 28.

²⁰ CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon II, sec. 28.

²¹ CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon IV, sec. 6.

As a rule, an attorney enjoys the legal presumption that he/she is innocent of the charges against him/her 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 substantial evidence is necessary to justify the imposition of administrative penalty. 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.²²

In fine, since complainant failed to discharge the onus of proving her charges against respondent by substantial evidence, the present disbarment case must fail.

Incidentally, complainant's Affidavit of Desistance serves no purpose at all. Sec. 15, Canon VI of the CPRA categorically provides that "[n]o investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same."

This Court will not hesitate to mete out proper disciplinary punishment upon lawyers who are shown to have failed to live up to their sworn duties, but neither will it hesitate to extend its protective arm to them when the accusation against them is not indubitably proven.²³

In fact, in *Tan v. Alvarico*,²⁴ the Court warned against the filing of malicious suits against members of the bar, explaining that "the primary purpose of administrative disciplinary proceedings against delinquent lawyers is to uphold the law and to prevent the ranks of the legal profession from being corrupted by unscrupulous practices—not to shelter or nurse a wounded ego." This Court will only wield its power to disbar when substantial evidence would prove the lack of fitness to engage in the practice of law.²⁵

FOR THESE REASONS, the Court **ADOPTS** and **APPROVES** the findings of fact, conclusions of law, and recommendation of the Integrated Bar of the Philippines. The Court **DISMISSES** the administrative complaint filed against Prosecutor Christopher Singson for lack of merit.

²² *Guanzon v. Dojillo*, 838 Phil. 228, 233 (2018) [Per J. Peralta, Second Division].

²³ *Id.* at 235.

²⁴ 888 Phil. 345, 365 (2020) [Per C.J. Peralta, First Division], citing *Tabuzo v. Atty. Gomos*, 836 Phil. 297, 321 (2018) [Per J. Gesmundo, Third Division].

²⁵ *Tan v. Alvarico*, 888 Phil. 345, 365 (2020) [Per C.J. Peralta, First Division]

SO ORDERED.”

By authority of the Court:

mtbulo

MARIA TERESA B. SIBULO

Division Clerk of Court *mtbulo*

291

FEB 19 2024

Ms. Mila S. Acosta
Complainant
Poblacion Sur, Licab
3112 Nueva Ecija

Atty. Christopher T. Singson
Respondent
Office of the City Prosecutor
Cabanatuan City, 3100 Nueva Ecija
- and/or -
No. 328 Genaro Street, D.S. Garcia
Cabanatuan City, 3100 Nueva Ecija

Integrated Bar of the Philippines
15 Doña Julia Vargas Avenue
Ortigas Center, 1605 Pasig City

Office of the Bar Confidant (x)
Supreme Court

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court

UR

mtbulo