



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **December 7, 2022** which reads as follows:*

"A.C. No. 10427 (Traffic Management Group and Philippine National Police, Represented by Police Senior Superintendent Robert E. Ganzon, complainants v. Atty. Jose Ermie A. Monsanto, respondent) — Complainants Traffic Management Group (TMG) and Philippine National Police (PNP) filed before the Integrated Bar of the Philippines (IBP) a Complaint¹ dated May 25, 2007 for violation of the Code of Professional Responsibility (CPR) and the Lawyer's Oath against respondent Atty. Jose Ermie A. Monsanto.

According to complainants, at 9:30 p.m. of April 30, 2007, joint elements of the National Capital Region Management Office (NCRMO), the Regional Traffic Management Office-7 (TMO-7), and the PNP Crime Laboratory Group (PNP-CLG) were implementing the COPLAN-UBEC CONNECTION when they spotted a parked Isuzu Hi-lander with Plate No. GTT-940, a car enlisted as a stolen vehicle. The operatives approached the vehicle just when a woman who introduced herself as respondent's wife, was boarding. She boasted that her husband was a senior agent of the National Bureau of Investigation (NBI) Cebu City Field Office. Moments later, respondent together with armed men from separate vehicles arrived and surrounded the PNP operatives. Words like "*wala akong pakialam sa papeles nyong COPLAN na approved ng Chief PNP... Executive level lang yan... Kung gusto nyong kunin ang sasakyang binili ko, mag-file kayo ng kaso sa korte,*" were thrown by respondent to the police operatives before he and his escorts left.²

Respondent, for his part, denied having had any verbal or physical altercation with complainants on April 30, 2007. He claimed that he had not even met them until he investigated the killing of Atty. Noel Archival, wherein one of the complainants Police Chief Superintendent Romualdo Iglesias was named as one of the suspects.³

¹ IBP Commissioner's Report and Recommendation, pp. 2-5.

² Id. at 3-4.

³ Id. at 4.

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Unfortunately, none of the parties attended the Mandatory Conference despite resetting. Both parties, too, did not submit their respective position papers.⁴

Report and Recommendation of the Integrated Bar of the Philippines (IBP) Investigating Commissioner

By Report and Recommendation⁵ dated February 10, 2021, Investigating Commissioner Jean Francois D. Rivera III (Investigating Commissioner Rivera) recommended the dismissal of the complaint. He held that aside from the complaint and the affidavits submitted by complainants, no other evidence was presented to support their accusations against respondent.

The investigating commissioner, however, found respondent guilty of willful disobedience of the IBP's directives for failure to appear during the scheduled mandatory conference and for failure to submit his position paper. The investigating commissioner sternly warned respondent and recommended a fine of ₱20,000.00.⁶

Ruling of the IBP Board of Governors

Through a Resolution⁷ dated October 24, 2021, the IBP Board of Governors affirmed with modification the Investigating Commissioner's resolution, in that the fine was reduced from ₱20,000.00 to ₱10,000.00.

Issue

Did respondent commit any act or omission for which he may be disciplined as a member of the Bar?

Ruling

The complaint is **DISMISSED**.

⁴ Id. at 2.

⁵ Id. at 1-8.

⁶ Id. at 7-8.

⁷ IBP Board of Governors' Resolution dated October 24, 2021, pp. 1-2.

Complainants miserably failed to substantiate their allegations against respondent. Bare allegations are insufficient to support an administrative charge against a lawyer.⁸

For one, the conduct of respondent complained of was never proven. Complainants only submitted affidavits and there was no opportunity to ascertain the veracity of the same. It was not corroborated by any other evidence. To act based solely on affidavits on matters relative to the fitness of a lawyer to continue legal practice is frowned upon as these are not substantiated by additional evidence convincing enough to make one believe that an erroneous act had indeed been committed by the lawyer, as in this case.

For another, complainants did not seem to be interested in pursuing their complaint as they did not even attend the two mandatory conference hearings set by the IBP despite notice. They, too, failed to submit their position paper.

Nevertheless, the Court finds respondent liable for willful disobedience of the IBP commissioner's directives. To recall, through Notices of Mandatory Conference dated April 11, 2019 and September 18, 2019, respectively, Investigating Commissioner Rivera directed him to attend the mandatory conference and to submit his mandatory conference brief. Despite receipt of the notices, however, he failed to comply with the same without any justifiable reason. He, too, failed to file his position paper.

The Court, thus, adopts and approves the recommendation of the IBP Board of Governors and imposes on respondent a fine in the amount of ₱10,000.00 for willfully disobeying the directives of the IBP Commissioner.

FOR THESE REASONS, the disbarment complaint against Atty. Jose Ermie A. Monsanto is **DISMISSED** for lack of merit.

Atty. Jose Ermie A. Monsanto is found liable for **willful disobedience of the Integrated Bar of the Philippines Investigating Commissioner's directives**. He is ordered to pay a **FINE of ₱10,000.00** within ten days from receipt of this Resolution.

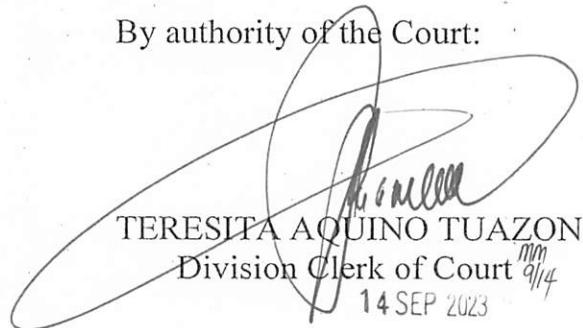
Atty. Jose Ermie A. Monsanto is required to inform the Court under oath of the specific date of his receipt of this Resolution for the purpose of determining the period when he should pay the afore-stated fine.

⁸ See *Rodica v. Atty. Lazaro*, 693 Phil. 174, 183-184 (2012); citing *Villanueva v. Philippine Daily Inquirer, Inc.*, 605 Phil. 926 (2009).

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be entered into the records of Atty. Jose Ermie A. Monsanto.

SO ORDERED. "

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court ^{mm} 9/14
14 SEP 2023

*** THE CHIEF (reg)**

Headquarters Highway Patrol Group
(formerly NCRTMO PNP-
Traffic Management Group)
Complainant
National Headquarters
Philippine National Police
Camp Crame, 1111 Quezon City

*** CHIEF SUPT. ARNOLD D. GUMACAO (reg)**

Director-Highway National Police
Camp Crame, 1111 Quezon City

*** ATTY. JOSE ERMIE MONSANTO (reg)**

Respondent
National Bureau of Investigation-VII
N. Escario Street, Capitol Site, Cebu City
and/or
National Bureau of Investigation (x)
Taft Avenue, Manila

-and/or-

GENERAL SERVICES DIVISION, NBI (reg)
3rd Floor, V-Tech Tower
G. Araneta cor. Ma. Claro St.
Quezon City

*** INTEGRATED BAR OF THE PHILIPPINES (reg)**

Doña Julia Vargas Avenue
Ortigas Center, 1605 Pasig City

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Supreme Court, Manila

*** THE BAR CONFIDANT (x)**

Supreme Court, Manila

**** CASH DISBURSEMENT & COLLECTION
DIVISION (x)**

THE AUDITOR (x)

Supreme Court, Manila

*** with copy of Resolution dated July 5, 2023**

**** for this resolution only**

Please notify the Court of any change in your address.

AC10427. 12/07/2022A(723)URES