



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **October 5, 2022** which reads as follows:*

“A.C. No. 11713 [Formerly CBD Case No. 18-5837] (RE: RESOLUTION DATED MARCH 22, 2017 IN A.M. NO. P-17-3655 [OFFICE OF THE COURT ADMINISTRATOR vs. TEODORO G. SIDRO, SHERIFF III, BRANCH 84; ROLLY S. OCAMPO, SHERIFF III AND LEONELLE<sup>1</sup> E. MENDOZA, CLERK III, BOTH OF BRANCH 53; ALL OF THE METROPOLITAN TRIAL COURT, CALOOCAN CITY] v. ATTY. MANNY V. GRAGASIN). – Mr. Andrew Ang (Mr. Ang) is an officer of First Solid Rubber Industries, Inc. (FSRII), the defendant in the ejectment case filed by respondent Atty. Manny V. Gragasin (Atty. Gragasin) as counsel for Kelam Realty Corporation (KRC), pending before Branch 53 of the Metropolitan Trial Court (MeTC), Caloocan City, presided by Judge Dante R. Corminal (Judge Corminal). On March 18, 2015, Mr. Ang wrote a letter<sup>2</sup> to Judge Corminal to complain and request for an investigation regarding the animosity of Maria Theresa C. Gonzales (Gonzales), the Branch Clerk of Court, and the conspiracy among the staff of Branch 53 in antedating an affidavit that was belatedly submitted by Atty. Gragasin. Mr. Ang averred that, during the hearing of the ejectment case on March 6, 2015, the trial court directed KRC to submit photographs and affidavits of the police and barangay officials who accompanied the sheriff in serving the complaint to defendant FSRII. The Order gave KRC 10 days to submit the affidavit, or until March 16, 2015. On March 17, 2015, Atty. Gragasin filed the Affidavit of Witness Re: Service of Alias Summons for Defendant Corporation.<sup>3</sup> The affidavit indicated that it was notarized also on March 17, 2015. Mr. Ang alleged that the staff of Branch 53, without naming them specifically, conspired with each other and antedated the submission of the affidavit to March 16, 2015 to make it appear that it was filed on time.<sup>4</sup>

<sup>1</sup> “Leonil” in some parts of the *rollo*.

<sup>2</sup> *Rollo*, p. 23.

<sup>3</sup> Not attached to the *rollo*; see *id.* at 96.

<sup>4</sup> *Id.* at 5, 23, and 94–96.

Acting on the complaint, Judge Corminal directed<sup>5</sup> the following staff of Branch 53 to submit their verified written explanation, namely: a) Gonzales; b) Clerk III Ria A. Ronsairo (Clerk Ronsairo); c) Sheriff III Rolly S. Ocampo (Sheriff Ocampo); and d) Clerk III Leonelle E. Mendoza (Clerk Mendoza). Sheriff III Teodoro G. Sidro (Sheriff Sidro) of Branch 84 of the same court was also ordered to explain.<sup>6</sup> After the staff submitted their written explanation,<sup>7</sup> Judge Corminal endorsed Mr. Ang's letter-complaint to Executive Judge Michael V. Francisco (Executive Judge Francisco) of MeTC, Caloocan City.<sup>8</sup> On April 1, 2015, Executive Judge Francisco referred the case to the Office of the Court Administrator (OCA).<sup>9</sup>

In the Memorandum<sup>10</sup> dated September 15, 2015, prepared by Wilhelmina D. Geronga, OCA Chief of Office, it was opined that Atty. Gragasin prodded Sheriff Sidro and Sheriff Ocampo to antedate the subject affidavit. Hence, Atty. Gragasin's actuations should be referred to the Office of the Bar Confidant (OBC) for appropriate action.<sup>11</sup> In the Report<sup>12</sup> dated January 23, 2017, the OCA recommended the following for the Court's consideration:

- a. respondent Sheriff Sidro be found **GUILTY** of Gross Misconduct and Conduct Prejudicial to the Interest of the Service and be imposed the penalty of **DISMISSAL** from the service with forfeiture of all benefits except accrued leave credits, with prejudice to re-employment in the government or any of its agencies and instrumentalities; including government-owned or controlled corporations;
  - b. respondent Sheriff Ocampo be found **GUILTY** of Conduct Prejudicial to the Interest of the Service and be imposed the penalty of **SUSPENSION** of one (1) year; and
  - c. respondent Clerk Mendoza be found **GUILTY** of Simple Negligence and be **FINED** in the amount equivalent to his one (1) month salary.
3. the administrative complaint against Ma. Theresa C. Gonzales, Branch Clerk of Court, Branch 53, MeTC, Caloocan City, be **DISMISSED** for lack of merit; however, she be **ADVISED** to closely supervise her staff to prevent the recurrence of any similar, related or untoward incident in the court; and
  4. the alleged "prodding" of or instigation by Atty. Manny Gragasin to allow the alteration of the date of filing of the subject pleadings be

<sup>5</sup> See Memorandum dated March 24, 2015; *id.* at 25.

<sup>6</sup> *Id.* at 5 and 25.

<sup>7</sup> *Id.* at 26-39.

<sup>8</sup> See Endorsement dated March 25, 2015; *id.* at 21.

<sup>9</sup> *Id.* at 5 and 52.

<sup>10</sup> *Id.* at 14-17.

<sup>11</sup> *Id.* at 16-17.

<sup>12</sup> *Id.* at 58-66.

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**REFERRED** to the Office of the Bar Confidant for appropriate action.<sup>13</sup> (Emphasis in the original)

In the Resolution<sup>14</sup> dated March 22, 2017, the Court referred the alleged “prodding” of or instigation by Atty. Gragasin to the OBC for appropriate action.<sup>15</sup>

In a Resolution<sup>16</sup> dated July 26, 2017, the Court noted the Report for Raffle<sup>17</sup> of the OBC which recommended that the administrative case against Atty. Gragasin be approved and required him to comment within 10 days from notice.

In his Comment,<sup>18</sup> Atty. Gragasin denied that he prodded or instigated the alteration of the date of submission of the Affidavit of Witness. He averred that on March 16, 2015, he met with KRC’s representative, Anita Santos (Santos), at Branch 53 and instructed her to have the affidavit notarized and received by the court on the same day. After giving instructions to Santos, Atty. Gragasin left. Later, Santos informed him that the affidavit was not notarized because the office of the notary public was closed. Atty. Gragasin then advised Santos to have it notarized the next day. On March 17, 2015, Atty. Gragasin went to Branch 53 to meet with Santos to check if the affidavit had been notarized. Upon checking that the affidavit was in order, he advised Santos to submit it immediately to the court staff. Atty. Gragasin then left. Atty. Gragasin averred that it was absurd to antedate the affidavit to March 16, 2015, considering that the affidavit clearly indicated that it was notarized on March 17, 2015. Also, the affidavits of Sheriff Ocampo and Sheriff Sidro did not state that he prodded or instigated them to antedate the affidavit. Besides, there was no reason to antedate the affidavit, given that he could ask for a motion for extension of time to file it, or ask for a motion for reconsideration, if the court does not accept the affidavit for being filed out of time. Indeed, the allegation of “prodding” or instigation had casted aspersion on his integrity as a lawyer and as an officer of the court. He had built his reputation as a respectful member of the Bar and had always conducted himself with honesty and integrity. Accordingly, he prayed that the complaint against him be dismissed.<sup>19</sup>

After the Comment was filed, the Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation and report.<sup>20</sup>

On January 17, 2019, the IBP-Commission on Bar Discipline (IBP-CBD) scheduled a mandatory conference hearing on February 27, 2019 and

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<sup>13</sup> *Id.* at 65–66.

<sup>14</sup> *Id.* at 54–57.

<sup>15</sup> *Id.* at 57.

<sup>16</sup> *Id.* at 164.

<sup>17</sup> *Id.* at 80.

<sup>18</sup> *Id.* at 93–107.

<sup>19</sup> *Id.* at 94–105.

<sup>20</sup> See Resolution dated June 11, 2018; *id.* at 176.

required the parties to submit their respective briefs. On the scheduled hearing, Atty. Gragasin appeared.<sup>21</sup>

On June 2, 2021, the IBP-CBD made its Report and Recommendation<sup>22</sup> finding that Atty. Gragasin violated Rule 10.01, Canon 10 of the Code of Professional Responsibility (CPR) by prodding or instigating the alteration of the date of the filing of the subject affidavit. The IBP-CBD recommended the penalty of reprimand, with a stern warning that a repetition of the same acts will be dealt with more severely.<sup>23</sup> Thus:

Based on the foregoing, a lawyer is not only required to refrain from committing any falsehood; it is similarly imperative that a lawyer shall not consent to doing of any in court nor to mislead or allow the Court to be misled by any artifice.

In *Belleza v. Atty. Macasa*, x x x we are reminded that:

Lawyers should always live up to the ethical standards of the legal profession as embodied in the Code [of Professional Responsibility]. Public confidence in law and in lawyers may be eroded by the irresponsible and improper conduct of a member of the bar. Thus, every lawyer should act and comport himself in a manner that would promote public confidence in the integrity of the legal profession.

In the instant case, the Supreme Court and the Office of the Court Administrator already established that erring sheriff falsified and ante-dated the pleadings which resulted in the latter's dismissal from service.

As for the herein Respondent, even if we believe his claim that he did not prod or instigate the commission of the falsification, it clearly appears that Respondent tolerated and consented to the same, especially if we consider that, one way or the other, the alteration of the date of filing of the pleading benefited the Respondent and his client. Please note that, by his own admissions, Respondent knew that he was not able to file the pleading on the intended date of filing; that his secretary was able to file the same only on the next day; and that [sic] date of filing was ante-dated. What is appalling, however, is the fact that despite being aware of this irregularity, the Respondent did not do anything to rectify the same and thus, directly contravened his sworn duty to be candor to the Court. Worse, it misled the court in believing that the pleading he filed was submitted on time and to that extent, the respondent's inaction is no less different than directly participating in the falsification. A lawyer's sworn duty to be honest to the court is required every time and not only when he or she deemed it convenient.

By these reprehensible acts, the Respondent clearly violated Rule 10.01 of the CPR and the lawyer's oath.

As held in *Virgilio J. Mapalad, Sr. vs. Atty. Anselmo S. Echanez*, x x x:

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<sup>21</sup> *Id.* at 194 and 211.

<sup>22</sup> *Id.* at 208-214.

<sup>23</sup> *Id.* at 214.



Lawyers are instruments in the administration of justice and as vanguards of our legal system, they are expected to maintain legal proficiency and a high standard of honesty, integrity, and fair dealing.

**WHEREFORE**, x x x this Commission recommends that the herein Respondent be meted with the penalty of **REPRIMAND**, with a **STERN WARNING** that a repetition of the same shall be dealt with more severely.<sup>24</sup> (Emphasis in the original)

In its Resolution<sup>25</sup> dated February 12, 2022, the IBP-Board of Governors (IBP-BOG) approved and adopted the Report and Recommendation of the IBP-CBD, thus:

*RESOLVED FURTHER, to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner in the instant case, to impose upon Respondent Atty. Manny V. Gragasin the penalty of REPRIMAND, with STERN WARNING that a repetition of the same or similar infraction shall be dealt with more severely.*<sup>26</sup> (Emphasis in the original)

On March 25, 2022, Avelino V. Sales, Jr., the Director for Bar Discipline, forwarded the records of the case to this Court.<sup>27</sup>

#### *The Court's Ruling*

The Court adopts the findings of the Investigating Commissioner and the recommendation of the IBP-BOG.

Membership in the bar is a privilege burdened with conditions. It is bestowed upon individuals who are not only learned in law, but also known to possess good moral character. Lawyers should act and comport themselves with honesty and integrity in a manner beyond reproach, in order to promote the public's faith in the legal profession.<sup>28</sup>

When lawyers, in the performance of their duties, act in a manner that prejudices not only the rights of their client but also of their colleagues and offends due administration of justice, appropriate disciplinary measures and proceedings are available such as reprimand, suspension, or even disbarment to rectify their wrongful acts.<sup>29</sup>

The Court, however, emphasizes that a case for disbarment or suspension is 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. Proceedings to discipline erring members of the bar are not instituted to protect and promote

<sup>24</sup> *Id.* at 212-214.

<sup>25</sup> *Id.* at 206-207.

<sup>26</sup> *Id.* at 207.

<sup>27</sup> *Id.* at 204.

<sup>28</sup> *Alpajora v. Calayan*, 823 Phil. 93, 107 (2018) [Per J. Gesmundo, *En Banc*].

<sup>29</sup> *Id.* at 107-108.

the public good only, but also to maintain the dignity of the profession by weeding out those who have proven themselves unworthy thereof.<sup>30</sup>

Rule 10.01, Canon 10 of the CPR echoes the Lawyer's Oath, viz.:

CANON 10 — A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

Rule 10.01 — A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

Indeed, to all lawyers, honesty and trustworthiness have the highest value.<sup>31</sup>

Here, Atty. Gragasin failed to live up to the standards of honesty and integrity that is expected of him as a member of the Bar. Atty. Gragasin had been dishonest when he consented to the antedating of the Affidavit of Witness. True, the affidavits of Sheriff Ocampo and Sheriff Sidro did not name or point to Atty. Gragasin as the one who instructed or instigated them to antedate the subject affidavit. The circumstances of the case, however, will show that Atty. Gragasin had knowledge of, and impliedly consented to, the antedating that transpired. First, it was established by the affidavits of Clerk Mendoza, Clerk Ronsairo, and Sheriff Ocampo that it was Sheriff Sidro who instructed and prodded Clerk Mendoza to antedate the subject affidavit, after ensuring him that it was with the knowledge of the Branch Clerk of Court. It was also established that it was Sheriff Ocampo who assisted Clerk Mendoza in antedating the affidavit by adjusting the date from "March 17, 2015" to "March 16, 2015." Meanwhile, Atty. Gragasin does not deny that, on March 17, 2015, before the supposed antedating took place, he met with both Sheriff Sidro and Sheriff Ocampo and were seen talking.<sup>32</sup> While this fact alone does not suffice to establish that Atty. Gragasin prodded or instigated Sheriff Sidro and Sheriff Ocampo to antedate the affidavit during that encounter, one cannot discount such possibility, considering that it was Atty. Gragasin's client who benefited from the irregularity. Also, there seems to be no other reason why Sheriff Sidro would do the antedating, except to benefit Atty. Gragasin.

Second, Atty. Gragasin's supposed lack of knowledge and participation in the antedating is not credible. The Affidavit of Witness bore the receipt date "March 16, 2015," instead of March 17, 2015, which was the actual filing date. Thus, the received copy of the affidavit presumably bore the same receipt date. Despite this, knowing that the affidavit was filed on March 17, 2015, and not on March 16, 2015 as appearing on the stamp, Atty. Gragasin failed to take steps to correct it, or at least verify with the court as to the correct receipt date of the affidavit. Atty. Gragasin let it slide and kept quiet

<sup>30</sup> *Id.* at 108.

<sup>31</sup> *Salazar v. Duran*, A.C. No. 7035, July 13, 2020, <<https://sc.judiciary.gov.ph/14311/>> [Per J. Lopez, First Division].

<sup>32</sup> *Rollo*, pp. 34-39 and 100-105.

presumably because it was beneficial to him. Atty. Gragasin thus failed to exhibit candor and fairness to the court.

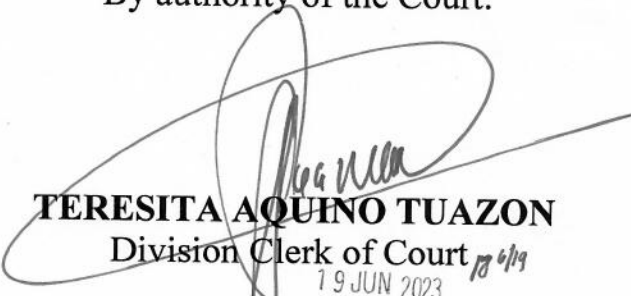
As to the penalty commensurate to Atty. Gragasin' actions, the Court takes heed of the guidepost provided by jurisprudence, viz.: "*Disbarment should not be decreed where any punishment less severe, such as reprimand, suspension, or fine, would accomplish the end desired.*"<sup>33</sup> Reprimand is imposed on an erring lawyer for an isolated act of misconduct of a lesser nature or some minor infraction of their duty to the court or the client. In line with prevailing jurisprudence, the Court finds the penalty of reprimand proper, with a stern warning that a repetition of the same or similar infraction shall merit a heavier penalty.<sup>34</sup>

**FOR THESE REASONS**, the Court **AFFIRMS** the February 12, 2022 Resolution of the Integrated Bar of the Philippines – Board of Governors. Respondent Atty. Manny V. Gragasin (Atty. Gragasin) is found **GUILTY** of violating Rule 10.01, Canon 10 of the Code of Professional Responsibility, and is hereby **REPRIMANDED** with a **STERN WARNING** that a repetition of a similar offense shall merit a heavier penalty.

Let a copy of this Resolution be attached to the records of Atty. Gragasin in the Office of the Bar Confidant.

**SO ORDERED.**" (Lopez, J. Y., J., and Kho, Jr., J., on official business.)

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
Division Clerk of Court *per 6/19*  
19 JUN 2023

<sup>33</sup> *Yu v. Dela Cruz*, 778 Phil. 557, 565–566 (2016) [*Per Curiam, En Banc*].

<sup>34</sup> *Adan v. Tacorda*, A.C. No. 12826, February 1, 2016, <<https://sc.judiciary.gov.ph/21316/>> [Per J. Delos Santos, Third Division].

ATTY. MANNY GRAGASIN (reg)

Respondent

Blk. 25, Lot 29, Gabriela Silang St.

New Capitol Estates 1, Commonwealth Ave.

Brgy. Batasan Hills, 1100 Quezon City

INTEGRATED BAR OF THE PHILIPPINES (reg)

Doña Julia Vargas Avenue

Ortigas Center, 1605 Pasig City

THE BAR CONFIDANT (x)

Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)

LIBRARY SERVICES (x)

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OFFICE OF THE CHIEF ATTORNEY (x)

PHILIPPINE JUDICIAL ACADEMY (x)

Supreme Court, Manila

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