



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 29, 2023**, which reads as follows:*

“A.C. No. 11902 (*Mark Leo Monton v. Atty. Margie Tan Alvaro*). — The instant administrative case stems from a Complaint¹ for disbarment filed by complainant Mark Leo Monton (complainant) before the Supreme Court against respondent Atty. Margie Tan Alvaro (respondent) for dishonesty in violation of Canon 10,² Rule 10.01³ of the Code of Professional Responsibility (CPR).

The complaint averred that respondent, who is the Assistant Provincial Prosecutor at the Office of the Provincial Prosecutor of Bohol, made false statements in her comment to oppose the application for probation of one Herculana Schoof (Schoof) in Criminal Case No. 1782-B and misled the Municipal Circuit Trial Court (MCTC) of Loay-Alburquerque-Baclayon into denying said application. Respondent purportedly falsely professed that Schoof is disqualified from availing the benefits of the probation law for having been previously convicted of perjury in Crim. Cases Nos. 19352-53, which judgment had already become final.⁴

Meanwhile, respondent manifested in her Comment that she does not know the complainant, either personally or in her professional capacity. Upon inquiry, she found out that complainant is the aide/bodyguard of Schoof’s counsel in the criminal cases mentioned in the complaint. Atty. Alvaro likewise clarified that she is not the prosecutor assigned to handle and prosecute Criminal Case No. 1782-B, as stated in the complaint. Instead, the impugned comment/opposition was filed in Criminal Case No. 1773-B for violation of Section 31, Article V of Republic Act (RA) No. 10591.⁵ More importantly, a cursory reading of the MCTC Order dated October 12, 2017 would readily reveal that the reason for the denial of Schoof’s application for

¹ *Rollo*, pp. 1-3.

² CANON 10 — A lawyer owes candor, fairness and good faith to the court.

³ 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.

⁴ *Rollo*, pp. 2-3.

⁵ *Id.* at 6-9.

probation is “*for having been filed beyond the reglementary period.*”⁶ Clearly, this has nothing to do with the frivolous acts imputed against her by the complainant.

Leaving no stone unturned, respondent pointed out several formal defects in the complaint, *i.e.*, while the complaint appears to be notarized by one Atty. Harold Bayarcal, there is no indication of what document number, page in notarial register, and notarial book of the supposed notarized letter-complaint was recorded, or was the complaint verified.⁷

In a Resolution dated June 18, 2018, the case was thereafter referred for reinvestigation to the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP).

In the Report and Recommendation⁸ dated March 20, 2019, IBP Commissioner Rebecca Villanueva-Maala (Commissioner Maala) recommended the dismissal of the complaint, to wit:

PREMISES CONSIDERED, we respectfully recommend that this administrative complaint against **ATTY. MARGIE TAN ALVARO** be **DISMISSED** for lack of merit.

RESPECTFULLY SUBMITTED.⁹

On June 12, 2021, the IBP Board of Governors issued a Resolution¹⁰ resolving to approve and adopt the Report and Recommendation of Commissioner Maala to dismiss the complaint against respondent for lack of merit, *viz*:

RESOLUTION NO. CBD-2021-06-33
CBD Case No. 18-5798
(Adm. Case No. 11902)
Mark Leo Monton vs.
Atty. Margie Tan Alvaro

*RESOLVED to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case to **DISMISS** the case, after finding the recommendation to be fully supported by the evidence on record and the applicable laws and rules.*¹¹

This Court gives imprimatur to the concurrent findings of fact, conclusions of law, and recommendations of Commissioner Maala and the IBP Board of Governors to dismiss the instant complaint for disbarment.

⁶ Id. at 71. The Order was penned by Presiding Judge Yvette Christine R. Labrador-Soleng of the 13th MCTC, Loay, Bohol in Crim. Case No. 1773-B.

⁷ Id. at 20.

⁸ Id. at 379-381.

⁹ Id. at 381.

¹⁰ Id. at 377.

¹¹ Id.

It is primal that in disbarment proceedings, the burden of proof rests upon the complainant.¹² An attorney enjoys the legal presumption that he is innocent of the charges against him until the contrary is proved, and that as an officer of the Court, he is presumed to have performed his duties in accordance with his oath.¹³

Jurisprudence teems with iterations that reliance on mere allegations, conjectures, and suppositions will leave an administrative complaint with no leg to stand on. Charges based on mere suspicion and speculation cannot be given credence. Thus, failure on the part of complainant to discharge his burden of proof by substantial evidence (*i.e.*, that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion) requires no other conclusion than that which stays the hand of the Court from meting out a disbarment order.¹⁴

Indubitably, complainant's efforts to implicate respondent deserve short shrift owing to the palpable lack of substantial evidence to prove such wrongdoing. There is dearth of evidence demonstrating that respondent flouted her duties as ordained in the CPR. Likewise, she does not appear to have committed any of the acts or causes specified in Canon 10,¹⁵ Rule 10.01¹⁶ of the CPR.

The Court has consistently considered disbarment and suspension of an attorney as the most severe forms of disciplinary action, which should be imposed with great caution. They should be meted out only for duly proven serious administrative charges.¹⁷ Considering the serious consequence of disbarment, this Court has likewise consistently held that only clear preponderant evidence would warrant the imposition of such a harsh penalty. It means that the record must disclose as free from doubt a case that compels the exercise by the court of its disciplinary powers. The dubious character of the act done, as well as the motivation thereof, must be clearly demonstrated.¹⁸

With the foregoing discourse, the instant administrative case has neither factual nor legal mooring, as complainant is unable to establish with substantial evidence his imputations of misconduct against respondent. The disbarment case must perforce be dismissed.

Finally, owing to the fact that the complaint is patently groundless, riddled with procedural infirmities, and even contained false allegations against the respondent, the Court deems it proper to direct the complainant to show cause why he should not be cited for indirect contempt for filing a

¹² *Rico v. Madrazo*, A.C. No. 7231, October 1, 2019.

¹³ *Macaventa v. Nuyda*, A.C. No. 11087, October 12, 2020.

¹⁴ See *Tan v. Alvarico*, A.C. No. 10933, November 3, 2020.

¹⁵ CANON 10 — A lawyer owes candor, fairness and good faith to the court.

¹⁶ 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.

¹⁷ *Aguirre v. Reyes*, A.C. No. 4355, January 8, 2020.

¹⁸ See *Yagong v. City Prosecutor Magno, et al.*, 820 Phil. 291, 294 (2017).

frivolous and baseless complaint against the respondent.

WHEREFORE, the instant administrative complaint against Atty. Margie Tan Alvaro is hereby **DISMISSED** for lack of merit.

Complainant Mark Leo Monton is hereby ordered to **SHOW CAUSE** within ten (10) days from notice why he should not be held for indirect contempt of court for filing a frivolous and baseless complaint against the respondent.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
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3/11/23

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A.C. No. 11902

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