



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 4, 2022, which reads as follows:

“A.C. No. 13346 [Formerly CBD Case No. 19-5893] (*Joseph A. Arrojado v. Atty. Rovenel O. Obligar*). – This administrative case stemmed from a Verified Complaint-Affidavit¹ dated February 18, 2019 filed by complainant Joseph A. Arrojado (Arrojado) before the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline, against respondent Atty. Rovenel O. Obligar (Atty. Obligar) for violation of the lawyer’s oath, breach of the Canons of Professional Responsibility, and for gross ignorance of the law.

In his Complaint-Affidavit, Arrojado alleged that he filed a complaint for Specific Performance and Damages against Carmen Soriano Vda. De Dabao (Soriano), as plaintiff and counsel, before the Regional Trial Court (RTC) of Branch 105, Quezon City. Atty. Obligar is the counsel of Soriano relative to the said case. Meanwhile, Soriano filed a disbarment complaint against Arrojado. On June 29, 2018, the IBP issued a resolution² recommending that Arrojado be suspended from the practice of law for one (1) year. Arrojado filed a motion for reconsideration, which is still pending as of the filing of the complaint.³

On November 6, 2018, Atty. Obligar sent Arrojado a demand letter,⁴ asking him to withdraw the civil case, with the threat of filing a disbarment case against the latter should he refuse to do so. Arrojado claimed that he was surprised to receive a letter from a colleague in the legal profession, and that he never expected Atty. Obligar to employ such tactic. He further insisted that the actions of Atty. Obligar in presenting the IBP Resolution, which recommended his suspension from the practice of law, without mentioning that the same has not yet attained finality, was unnecessary. Arrojado asserted that Atty. Obligar acted in bad faith and exhibited conduct unbecoming of a member of the Philippine Bar.⁵

¹ Rollo, pp. 1-5.

² Id. at 7.

³ Id. at 1.

⁴ Id. at 47-49.

⁵ Id. at 1-4.

In his Verified Answer with Explanation,⁶ Atty. Obligar maintained that he did not violate his lawyer's oath and the Code of Professional Responsibility. He explained that he prepared the demand letter that was sent to Arrojado at the instance and initiative of his client Soriano. As Soriano's lawyer, it was his duty to render legal assistance to his client, and he has done the same in good faith and without malice. Atty. Obligar claimed that the demand letter had factual and legal basis, which was the Report and Recommendation⁷ dated October 10, 2017, by Commissioner Atty. Stephanie M. Cas-Refina. In a Resolution dated June 29, 2018, the IBP-Board of Governors affirmed the Report and Recommendation with modification. Atty. Obligar declared that he had no intention of bullying or exposing Arrojado to ridicule when he marked in evidence of the IBP Resolutions during the pre-trial conference of Civil Case No. R-QZN-17-14365-CV entitled "*Sps. Joseph A. Arrojado and Gloria P. Arrojado versus Carmen Soriano Vda. De Dabao*" for specific performance before the RTC, Branch 105, Quezon City. Hence, he argued that he should not be held administratively liable for extending legal assistance to his client without any showing that he had acted with bad faith or malice.⁸

The Report and Recommendation of the IBP- Commission on Bar Discipline⁹

The IBP-Commission on Bar Discipline recommended that the complaint against Atty. Obligar be dismissed for lack of merit, as follows:

In fine, and without considering the execution of the affidavit of desistance, still the Complainant failed to prove his charges against the Respondent by clear, convincing and satisfactory evidence, the herein Commissioner hereby recommends for the DISMISSAL of the complaint against the Respondent for lack of merit.¹⁰

The Investigating Commissioner found that contrary to the allegations in the complaint-affidavit, Atty. Obligar did not violate his oath as a lawyer or the Code of Professional Responsibility. He explained that Atty. Obligar could neither be faulted or blamed for rendering legal assistance to his client. In fact, the presentation and markings of the IBP Resolutions were the very pieces of evidence of Atty. Obligar's client in the civil case filed by Arrojado against her. Thus, Atty. Obligar cannot be considered to have acted in bad faith or with malice.¹¹

The Resolution of the IBP-Board of Governors¹²

On September 25, 2021, the IBP-Board of Governors passed a resolution, to wit:

⁶ Id. at 57-62.

⁷ Id. at 8-14.

⁸ Id. at 57-61.

⁹ Id. at 269-276; signed by Commissioner Edwin Orias Betguen.

¹⁰ Id. at 275-276.

¹¹ Id. at 273-275.

¹² Id. at 268; signed by Assistant National Secretary Jose Angel B. Guidote, Jr.

RESOLUTION NO. CBD-XXV-2021-09-36**CBD Case No. 19-5893****Atty. Joseph A. Arrojado vs.****Atty. Rovenel O. Obligar**

*RESOLVED, to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner in the instant case, to DISMISS the complaint against the Respondent for lack of merit.*¹³

Our Ruling

After a careful review of the case, we adopt and approve the factual findings of the IBP, dismissing the complaint against Atty. Obligar for lack of merit.

In his Complaint-Affidavit, Arrojado alleged that Atty. Obligar violated Canons 8 and 19.01 of the Code of Professional Responsibility (CPR), which provides:

CANON 8 - A LAWYER SHALL CONDUCT HIMSELF WITH COURTESY, FAIRNESS AND CANDOR TOWARDS HIS PROFESSIONAL COLLEAGUES, AND SHALL AVOID HARASSING TACTICS AGAINST OPPOSING COUNSEL.

CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

Rule 19.01 - A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

Jurisprudence dictates that in administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence. If they fail to show in a satisfactory manner the facts upon which their claims are based, the respondents are not obliged to prove their exception or defense.¹⁴ Basic is the rule that, mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.¹⁵ It is likewise well to remember that, in suspension or disbarment proceedings, lawyers enjoy the presumption of innocence.¹⁶ Thus, Arrojado, as the complainant, has the burden to prove by substantial evidence that Atty. Obligar violated the Code of Professional Responsibility.

¹³ Id.

¹⁴ See *Bruselas, Jr. v. Mallari*, A.C. No. 9683, IPI No. 17-250-CA-J, IPI No. 17-251-CA-J, et al., February 21, 2017.

¹⁵ *Cabas v. Atty. Sususco, et al.*, 787 Phil. 167, 174 (2016), citing *Dr. De Jesus v. Guerrero III, et al.*, 614 Phil. 520, 529 (2009).

¹⁶ *Nocuenca v. Bensi*, A.C. No. 12609, February 10, 2020.

In the case of *Atty. Roque v. Atty. Balbin*,¹⁷ the Court ruled that respondent's act in threatening the complainant to withdraw the case filed by respondent's client, otherwise, a disbarment case would be filed against him, is repugnant to the CPR. The Court suspended respondent from the practice of law for a period of two years. In that case, instead of availing of remedies to contest the ruling adverse to his client, respondent resorted to personal attacks against the opposing litigant's counsel. The Investigating Commissioner found that respondent's acts of repeatedly intimidating, harassing, and blackmailing complainant with purported administrative and criminal cases and prejudicial media exposures were performed as a tool to return the inconvenience suffered by his client. This is a clear violation of Canon 8 of the CPR, which provides:¹⁸

CANON 8 - A lawyer shall conduct himself with courtesy, fairness and candor towards his professional colleagues, and shall avoid harassing tactics against opposing counsel.¹⁹

In this case, however, Atty. Obligar did not resort to harassment, intimidation or blackmailing. He did not threaten complainant with baseless criminal or administrative lawsuits. In his letter to the complainant, Atty. Obligar is asking the complainant for the return of the certificates of titles of her client's properties. He wrote:

Should you wish to discuss this matter in person, Ms. Soriano and our Law Office is willing to entertain you and settle the matter amicably.

However, should we not hear from you within the given period, Ms. Soriano has given our office the definite instruction to file another DISBARMENT CASE against you before the Supreme Court for this new cause of action.²⁰

In sending complainant the demand letter, Atty. Obligar was of the firm belief that he was performing his duty as counsel and defending his client's cause, and that he has done the same in good faith and without malice. The demand letter was not meant to intimidate or harass complainant, but had factual and legal basis.

Granting that the actions of Atty. Obligar violated the Lawyer's Oath and the CPR, it is worthy to mention that Arrojado executed an Affidavit of Desistance/Motion to Dismiss²¹ dated October 23, 2019, stating therein that after a thorough and more sober recollection of the records, he is convinced that the incident subject matter of the case arose out of a misapprehension of facts and of misunderstanding. Arrojado manifested that he is withdrawing the instant complaint, and that he is no longer interested in pursuing the

¹⁷ A.C. No. 7088, December 4, 2018.

¹⁸ Id.

¹⁹ Id.

²⁰ *Rollo*, p. 49.

²¹ Id. at 264-265.

administrative case against Atty. Obligar. Hence, with the execution of the Affidavit of Desistance/Motion to Dismiss, the complaint against Atty. Obligar is dismissed.

WHEREFORE, the September 25, 2021 Resolution of the Integrated Bar of the Philippines-Board of Governors in CBD Case No. 19-5893 is **NOTED**. The Court resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendation of Integrated Bar of the Philippines-Commission on Bar Discipline. The instant administrative case against Atty. Rovenel O. Obligar is hereby **DISMISSED** for lack of merit.

Accordingly, the case is considered **CLOSED** and **TERMINATED**.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
GER
9/12/21

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A.C. No. 13346

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