



Republic of the Philippines  
Supreme Court  
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 15, 2022** which reads as follows:*

**“A.C. No. 11135 [Formerly CBD Case No. 16-5114] - RONNIE F. FAULVE, complainant, versus ATTY. LEILANIE\* BERNADETTE C. CABRAS, respondent.**

Complainant Ronnie F. Faulve (Faulve) filed this disbarment case<sup>1</sup> against Atty. Leilanie Bernadette C. Cabras (Atty. Cabras), the Assistant Ombudsman in the General Administration Office of the Office of the Ombudsman, for alleged gross violation of the referral procedure of the Ombudsman to other government agencies. In particular, Faulve faulted Atty. Cabras for forwarding his verified administrative complaint against Jesse M. Robredo, *et al.*, former officials of the National Police Commission (NAPOLCOM) to Manuel A. Roxas II, former Secretary of the Department of the Interior and Local Government (DILG). It was his contention that the Ombudsman had the exclusive jurisdiction over said complaint and had the mandate to conduct the investigation.<sup>2</sup>

Faulve also argued that Atty. Cabras violated due process of law when she failed to issue an order for the respondents to file their counter-affidavits.<sup>3</sup>

Faulve, at the same time, filed an administrative complaint against Atty. Cabras before the Office of the Ombudsman, which was docketed as IC-OC-13-0347,<sup>4</sup> for grave abuse of authority, grave

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\* Also “Leilani” and “Leilane” in some parts of the *rollo*.

<sup>1</sup> *Rollo*, pp. 3-5.

<sup>2</sup> *Id.* at 3.

<sup>3</sup> *Id.*

<sup>4</sup> Also OMB-IC-0C-13-0347 in some parts of the *rollo*.

misconduct and conduct prejudicial to the best interest of the service on the basis of the same allegations as in this case. The Ombudsman, however, dismissed the said case for lack of merit. Faulve lamented the dismissal, accusing Atty. Cabras to be in cahoots with those who rendered the order.<sup>5</sup>

In a Resolution<sup>6</sup> dated June 6, 2016, the Court referred the complaint to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation. Thereafter, the IBP Commission on Bar Discipline (IBP-CBD) ordered Atty. Cabras to file her Answer to the complaint,<sup>7</sup> with which she complied.<sup>8</sup> The IBP later set the case for mandatory conference<sup>9</sup> where only Atty. Cabras and her assisting counsel appeared.<sup>10</sup> When the mandatory conference was terminated and the parties were asked to file their position papers,<sup>11</sup> it was also only Atty. Cabras who complied with the directive of the IBP.<sup>12</sup>

In her defense, Atty. Cabras countered that she has the legal authority to refer complaints to other government agencies. She maintained that as Assistant Ombudsman of the General Administration Office, she is tasked, pursuant to existing policy and rules, to approve evaluation and make appropriate actions on complaints filed with the Ombudsman. Atty. Cabras specifically cited Section 4(c) of Administrative Order No. 07<sup>13</sup> and Office Order No.

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<sup>5</sup> *Rollo*, p. 4.

<sup>6</sup> *Id.* at 45.

<sup>7</sup> *Id.* at 62.

<sup>8</sup> *Id.* at 64-69.

<sup>9</sup> *Id.* at 121.

<sup>10</sup> *Id.* at 124.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 223-231.

<sup>13</sup> RULES OF PROCEDURE OF THE OFFICE OF THE OMBUDSMAN, as amended by Administrative Order No. 17-03. Rule III, Section 4(c) states:

SECTION 4. *Evaluation.* – Upon receipt of the complaint, the same shall be evaluated to determine whether the same may be:

x x x x

(c) **referred to other disciplinary authorities under paragraph 2, Section 23, R.A. 6770** x x x. (Emphasis supplied)

183, series of 2012<sup>14</sup> as support.<sup>15</sup> Consequently, she cannot be considered to have acted irregularly in the performance of her functions as her actions were all in accordance with the law, rules and policies issued by the Office of the Ombudsman in the handling of complaints.<sup>16</sup>

Atty. Cabras also pointed out that Faulve has the propensity of filing complaints against other officials and employees of the Office of the Ombudsman when decisions or actions taken by them did not favor him. In fact, apart from IC-OC-13-0347, Faulve had also filed an administrative case against Atty. Cabras, which was docketed as IAB-12-0052. Said case was also dismissed by the Internal Affairs Board (IAB) of the Office of the Ombudsman.<sup>17</sup>

In his Recommendation,<sup>18</sup> the Investigating Commissioner of the IBP-CBD recommended the dismissal of the complaint for being baseless and unfounded.<sup>19</sup> Firstly, the Investigating Commissioner held that as a general rule, Atty. Cabras may not be disciplined as a member of the Bar for misconduct committed while in the discharge of her duties as a government official. Alleged acts or omissions that were connected with the official functions of respondents in disbarment cases are within the administrative disciplinary jurisdiction of their superiors or of the Office of the Ombudsman. However, if the misconduct also constitutes a violation of the Lawyer's Oath and the Code of Professional Responsibility (CPR), the Court will assume jurisdiction.<sup>20</sup>

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<sup>14</sup> PRESCRIBING THE GENERAL GUIDELINES ON CASE EVALUATION AND RECORDS MANAGEMENT IN THE OFFICE OF THE OMBUDSMAN. It provides:

I. STATEMENT OF POLICY

The Ombudsman hereby adopts a policy of simplicity, economy and efficiency in its case evaluation and records management. Given its limited resources, the Ombudsman must evaluate complaints filed before it, as well as streamline its records management system in accordance with the institution's enforcement priorities, namely, *the investigation and prosecution of cases involving graft and corruption.*

x x x x

IV. CASE EVALUATION

x x x x

Case evaluation and classification shall be completed within five (5) working days from receipt of a complaint. The findings and recommended course of action of an Evaluator shall be documented in the Evaluation Sheet, **which shall be submitted to his or her office head for approval.** x x x (Italics in the original; additional emphasis supplied)

<sup>15</sup> *Rollo*, p. 111.

<sup>16</sup> *Id.* at 113.

<sup>17</sup> *Id.* at 113-114.

<sup>18</sup> *Id.* at 237-245.

<sup>19</sup> *Id.* at 240, 245.

<sup>20</sup> *Id.* at 241-243.

After a thorough evaluation of the facts and evidence of the case, the Investigating Commissioner determined that there was no iota of evidence that supports the allegations of grave or serious misconduct, gross ignorance of the law and lack of intellectual proficiency against Atty. Cabras. Atty. Cabras was able to adduce evidence to prove that the administrative complaint filed by Faulve against her was dismissed by the Overall Deputy Ombudsman and not by Atty. Cabras herself. Also, it was proven that the act of the Office of the Ombudsman of referring non-graft cases to other government agencies with whom it shares concurrent jurisdiction was in accord with the existing policies of the Office.<sup>21</sup>

In its Notice of Resolution<sup>22</sup> dated July 11, 2020, the IBP Board of Governors (IBP-BOG) resolved to adopt the findings of fact and recommendation of the Investigating Commissioner to dismiss the complaint.

The Court affirms the dismissal of the complaint.

Preliminarily, the Court agrees with the IBP that, as a general rule, it has no jurisdiction over government lawyers who are charged with administrative offenses involving their official duties and functions. The administrative complaint is lodged before the Office of the Ombudsman instead, which is the administrative disciplinary authority in charge of investigating and prosecuting all the acts or omissions of a government official in relation to his or her function.<sup>23</sup>

It is equally true, however, that if the alleged misconduct of a respondent as a government official is of such a character as to affect his or her qualification as a lawyer or to show moral delinquency, then he or she may be disciplined as a member of the bar on such ground.<sup>24</sup> It has been clarified in *Sismaet v. Cruzabra*<sup>25</sup> that the jurisdiction of the IBP to investigate members of the Bar in the government service is based not only on the applicability of the Lawyer's Oath to all lawyers, whether in the government or in the private sector; but also on Canon 6 of the CPR. Citing *Abella v. Barrios, Jr.*<sup>26</sup> (*Abella*), the Court thus expounded:

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<sup>21</sup> Id. at 243-244.

<sup>22</sup> Id. at 235-236.

<sup>23</sup> See *De Villa v. Serrano*, A.C. No. 9360, September 29, 2021, p. 5 (Unsigned Resolution), accessed at <<https://sc.judiciary.gov.ph/21917/>>.

<sup>24</sup> See *Cruz v. Catalan, Jr.*, A.C. No. 10852, March 24, 2021, p. 4 (Unsigned Resolution), accessed at <<https://sc.judiciary.gov.ph/19440/>>.

<sup>25</sup> A.C. No. 5001, September 7, 2020, accessed at <<https://sc.judiciary.gov.ph/17551/>>.

<sup>26</sup> Adm. Case No. 7332, June 18, 2013, 698 SCRA 683, 691-692.

[Rules 1.01, 1.03, and 6.02 of the Code of Professional Responsibility], which are contained under Chapter 1 of the Code, delineate the lawyer's responsibility to society: Rule 1.01 engraves the overriding prohibition against lawyers from engaging in any unlawful, dishonest, immoral and deceitful conduct; Rule 1.03 proscribes lawyers from encouraging any suit or proceeding or delaying any man's cause for any corrupt motive or interest; meanwhile, Rule 6.02 is particularly directed to lawyers in government service, enjoining them from using one's public position to: (1) promote private interests; (2) advance private interests; or (3) allow private interests to interfere with public duties. **It is well to note that a lawyer who holds a government office may be disciplined as a member of the Bar only when his misconduct also constitutes a violation of his oath as a lawyer.**<sup>27</sup> (Citations omitted, emphasis and underscoring supplied)

The exception to the general rule finds no application in this case.

Indubitably, the allegations in the complaint arose from the performance or discharge of official duties of Atty. Cabras as the Assistant Ombudsman in the General Administration Office of the Office of the Ombudsman. These allegations revolved on the referral or endorsement she made to another government office of the administrative complaint filed by Faulve against officials of the NAPOLCOM. It was his contention that Atty. Cabras grossly violated office procedure and exhibited lack of knowledge as to the supposed exclusive and mandatory jurisdiction of the Office of the Ombudsman over administrative complaints when she made the assailed endorsement. As well, Faulve claimed it was a violation of due process when Atty. Cabras failed to require the officials of the NAPOLCOM to submit their counter-affidavits to his administrative complaint against them.

Clearly, therefore, the body which has jurisdiction to discipline Atty. Cabras for the foregoing acts complained of was her own office. Notably, Faulve also filed an administrative complaint against Atty. Cabras before the Office of the Ombudsman on the basis of the same allegations as in the present disbarment case. In particular, he charged Atty. Cabras for dishonesty, grave misconduct, conduct prejudicial to the best interest of the service, and violation of the Anti-Graft and Corrupt Practices Act. The Ombudsman, however, dismissed the said case for utter lack of merit.

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<sup>27</sup> *Sismaet v. Cruzabra*, supra note 25, at 4-5.

Arguably, Faulve likewise alleged in his complaint that Atty. Cabras made a mockery of the legal profession when she committed the afore-cited supposedly questionable acts. He also claimed that Atty. Cabras blocked the speedy administration of justice, which, following *Abella*, essentially calls Rules 1.01, 1.03, and 6.02 of the CPR to the fore. However, with the cogent ruling of the Ombudsman holding that there was no misconduct on the part of Atty. Cabras, the Court fails to see in this disbarment case as well how she could have violated the Lawyer's Oath or the CPR on the basis of the same set of facts. To reiterate, the lawyer who holds a position in the government will only be disciplined as a member of the Bar when his or her misconduct also constitutes a violation of his or her oath as a lawyer.

To emphasize, the Ombudsman held that the act of Atty. Cabras of referring the complaint of Faulve against the NAPOLCOM officials was well within her authority as Assistant Ombudsman under Administrative Order No. 07 and Office Order No. 183, series of 2012. In a nutshell, the issuances prescribed the policy of the Office of the Ombudsman of prioritizing graft and corruption cases. Consequently, the administrative complaint of Faulve was endorsed to the Secretary of the DILG after it was initially evaluated to be a non-graft case. The Office of the Ombudsman, after all, shares concurrent jurisdiction over administrative cases with the Secretaries and heads of agencies and instrumentalities over officer and employees under their jurisdiction.

Simply put, the Ombudsman correctly held that Atty. Cabras acted under lawful authority when she forwarded Faulve's administrative complaint to the DILG for appropriate action. Atty. Cabras has, by the same token, clearly and convincingly explained her action in her Answer in this case. This she did even with the presumption in her favor that she had regularly performed her official duties.

On the other hand, insofar as Faulve was concerned, other than his bare assertion that Atty. Cabras acted erroneously, he miserably failed to substantiate such claim with any evidence. The fact that the endorsement or referral by Atty. Cabras might have been inconvenient or adverse to Faulve does not, by itself, establish that it was done without basis or with malice and prejudice.<sup>28</sup> Consequently, Faulve failed to discharge his burden of proof to satisfactorily prove the allegations in his complaint through substantial evidence.

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<sup>28</sup> See *Tablizo v. Golangco*, A.C. No. 10636, October 12, 2020, pp. 5-6, accessed at <<https://sc.judiciary.gov.ph/15351/>>.

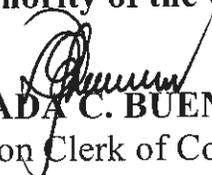
It is well to point out at this juncture that Faulve filed the instant disbarment case against Atty. Cabras after the administrative complaint he filed against her before the Office of the Ombudsman was dismissed for lack of merit. Both cases, to repeat, are based on the same set of facts. It also does not escape the Court's attention that Faulve has the propensity to file disbarment cases against lawyers who hold positions in the government and who have acted, one way or another, unfavorably to him.<sup>29</sup> Faulve must therefore be reminded that administrative proceedings brought against lawyers for acts in the exercise of their profession are not alternatives to reliefs that may be sought and obtained from the proper offices<sup>30</sup> or that which may have been denied therein. As the Court cautioned in *Deltaventure Resources, Inc. v. Martinez*,<sup>31</sup> the exercise of disciplinary power over members of the Bar is not only aimed at preserving the integrity and reputation of the Law Profession, but also at shielding lawyers, in general, they being officers themselves of the Court. Thus, any complaint for disbarment or other disciplinary sanction predicated on frivolous matters should be dismissed, more so, where its plain objective is clearly to harass or get even with the respondent lawyers.<sup>32</sup>

**WHEREFORE**, the administrative complaint against Atty. Leilanie Bernadette C. Cabras is **DISMISSED** for utter lack of merit.

The Notice of Resolution dated July 11, 2020 of the Integrated Bar of the Philippines' Board of Governors, is **NOTED**.

**SO ORDERED.”**

By authority of the Court:

  
LIBRADA C. BUENA  
Division Clerk of Court

by:

MARIA TERESA B. SIBULO  
Deputy Division Clerk of Court

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<sup>29</sup> *Faulve v. Co*, A.C. No. 10895, June 23, 2021 (Unsigned Resolution), accessed at <<https://sc.judiciary.gov.ph/22963/>>; *Faulve v. Catacutan-Villarín*, A.C. No. 11270, July 15, 2020 (Unsigned Resolution), accessed at <<https://sc.judiciary.gov.ph/14289/>>; and *Faulve v. Ronquillo*, A.C. No. 11221, June 8, 2020 (Unsigned Resolution), accessed at <<https://sc.judiciary.gov.ph/14708/>>.

<sup>30</sup> See *Deltaventure Resources, Inc. v. Martinez*, A.C. No. 9268, September 30, 2020, p. 10, accessed at <<https://sc.judiciary.gov.ph/16695/>>.

<sup>31</sup> Id.

<sup>32</sup> Id. Citation omitted.



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