



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 25, 2022, which reads as follows:*

“A.C. No. 13379 (Jesher T. Toledo, *complainant*, v. Atty. Francis S. Carlos, *respondent*). After a judicious review of the records, the Court resolves to **ADOPT and APPROVE** Resolution No. CBD-XXV-2021-10-09 of the Integrated Bar of the Philippines (IBP) Board of Governors dated 16 October 2021 in CBD Case No. 19-5955 which dismissed the administrative complaint filed by complainant Jesher T. Toledo (**Toledo**) against respondent Atty. Francis S. Carlos (**Atty. Carlos**) for violation of Canon 1 and Canon 7 (Rule 7.03) of the Code of Professional Responsibility, but recommended the imposition of a ₱3,000.00 fine for failure to comply with the Commissioner’s directive to submit a position paper despite due notice.

The issue in this administrative complaint filed by Toledo against Atty. Carlos with the IBP Commission on Bar Discipline hinges on a libelous Facebook post he made about the complainant calling him a thief. However, a copy of the said post was never presented by the parties. In administrative cases, the burden of proof lies on the party alleging the same to support his claims by substantial evidence, which Toledo failed to show in this case. Hence, the presumption of innocence in favor of Atty. Carlos must stand. However, this Court finds it appropriate to mete out the penalty of ₱3,000.00 fine upon Atty. Carlos for his failure to comply with the directive to submit a position paper despite due notice.

Therefore, the Court **ADOPTS and APPROVES** the Resolution issued by the Integrated Bar of the Philippines Board of Governors.

**SO ORDERED.”**

By authority of the Court:

*Mis + DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

*JB 8/31/22*

Mr. Jesh T. Toledo  
Complainant  
Yumang Street, Pacheco Subdivision  
General Santos City

Atty. Francis S. Carlos  
Respondent  
Purok Blancia  
Barangay Poblacion, T'Boli  
South Cotabato

Atty. Amor P. Entila  
Assistant and Bar Confidant  
OFFICE OF THE BAR CONFIDANT  
Supreme Court, Manila

Atty. Avelino V. Sales, Jr.  
Director for Bar Discipline  
INTEGRATED BAR OF THE PHILIPPINES  
Dona Julia Vargas Avenue  
Ortigas Center, 1600 Pasig City

JUDICIAL & BAR COUNCIL  
Supreme Court, Manila

PHILIPPINE JUDICIAL ACADEMY  
Research Publications and Linkages Office  
Supreme Court, Manila  
[research\_philja@yahoo.com]

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**A.C. No. 13379**

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Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **June 20, 2022**, which reads as follows:

**“A.C. No. 13277 (*Edeluisa Gacilo v. Atty. Felomino<sup>1</sup> E. Mongan*).**— After an assiduous examination of the records, this Court resolves to **ADOPT** and **APPROVE** the recommendation of the Integrated Bar of the Philippines Board of Governors contained in its *Resolution<sup>2</sup>* dated 28 February 2020, in UE No. 19-425. Accordingly, the undated Complaint<sup>3</sup> filed by complainant Edeluisa Gacilo against respondent Atty. Felomino E. Mongan is hereby **DISMISSED** for utter want of merit.

In *Dillon v. Atty. De Quiroz*,<sup>4</sup> the Court made an edifying explication regarding the quantum of proof in administrative cases concerning lawyers, viz.:

In administrative proceedings, the quantum of proof necessary for a finding of guilt is **substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.** Further, the complainant has the burden of proving by substantial evidence the allegations in his complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.

Corollarily, this Court had earlier explained in *Tan v. Atty. Alvarico*<sup>5</sup> the consequence of the failure to discharge the burden of proof in disbarment proceedings, viz.:

**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.** In disbarment proceedings, the quantum of proof is substantial evidence, and the burden of proof is on the complainant to establish the allegations in his complaint.

<sup>1</sup> Spelled as Felimino in the various documents below, e.g., Complaint, Notice of Resolution, Report and Recommendation, Motion for Reconsideration, and Order dated 6 October 2020.

<sup>2</sup> *Rollo*, Vol. II, p. 1.

<sup>3</sup> *Id.*, Vol. I, p. 1.

<sup>4</sup> A.C. No. 12876, 12 January 2021.

<sup>5</sup> A.C. No. 10933, 3 November 2020.

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The basic rule is 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 requires no other conclusion than that which stays the hand of the Court from meting out a disbarment order.**<sup>6</sup>

Not a shred of proof was adduced by complainant to support her avowals against respondent. Needless to state, she failed to establish through substantial evidence any misconduct on the part of respondent which would warrant his disbarment.

*Au contraire*, respondent submitted documents<sup>7</sup> proving his earnest representation in the case for which his services were secured by complainant involving a parcel of land she purportedly purchased. Rivetingly, Michael Edward Chanliongco, the real party-in-interest in the case for cancellation of sale and title with damages against Spouses Abraham and Carmelita Bernardo, bolstered respondent's explanations and even attested to the diligent services he provided even if he lost in the case.

Ineludibly, respondent was able to disprove complainant's conjectural asseverations. Perforce, he should not be expelled from the practice of law.

Lest we forget, lawyers are also entitled to the State's protection. For a lawyer's license is earned through blood, sweat, and tears, he or she cannot be nimbly divested of his or her profession by spurious claims.

**SO ORDERED."**

By authority of the Court:

*Mis-DCB-H*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

*JB 8/31/22*

Ms. Eduluisa Gacilo  
Complainant  
No. 823 Coral Street  
Tondo, Manila

Atty. Filimeno Mongan  
Respondent  
Mongan Law Office  
Web Jet Building, BMA Avenue  
Quezon City

<sup>6</sup> See *Tan v. Atty. Alvarico*, A.C. No. 10933, 3 November 2020. Emphases supplied.

<sup>7</sup> *Rollo*, Vol. II, pp. 14-15 and 19-69.

Atty. Amor P. Entila  
Assistant Bar Confidant  
OFFICE OF THE BAR CONFIDANT  
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Director for Bar Discipline  
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**A.C. No. 13277**

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