



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated August 08, 2022 which reads as follows:*

**“A.C. No. 13436 [formerly CBD Case No. 19-6120] (Marlon S. Sarmiento v. Atty. John Paul P. Amores).** – Before the Court is a Verified Disbarment Complaint/Letter-Affidavit<sup>1</sup> filed by complainant Marlon S. Sarmiento (complainant) against respondent Atty. John Paul P. Amores (respondent) before the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) for violation of Canon 1, Rule 1.03; Canon 19, Rule 19.01; and Rule 7.03 of the Code of Professional Responsibility (CPR).<sup>2</sup>

According to complainant, respondent acted as counsel in two unfounded sexual harassment complaints against him.<sup>3</sup> However, the alleged victims were merely “tricked by respondent” into executing their complaint-affidavits,<sup>4</sup> as evidenced by affidavits of desistance they later executed.<sup>5</sup> The sexual harassment cases were allegedly filed as leverage in a criminal case<sup>6</sup> waged by complainant against the officers of Executive Village Tutorial Fluent English, Inc. (EV Academy), the employer of the alleged victims of the sexual harassment cases.<sup>7</sup> Apparently, respondent was the counsel for EV Academy’s officers in the other criminal case.<sup>8</sup>

In a Report and Recommendation<sup>9</sup> dated 31 March 2021, IBP Investigating Commissioner Rogelio D. Torres, Jr. recommended the dismissal of the complaint. The Investigating Commissioner noted that the

<sup>1</sup> *Rollo*, pp. 2-7.

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

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

<sup>4</sup> *Id.* unpaginated (Report and Recommendation, p. 2).

<sup>5</sup> *Id.* at 3-4.

<sup>6</sup> The case was for estafa and violation of Republic Act No. 8282, Republic Act No. 7875, and Republic Act No. 9679 (*rollo*, p. 8).

<sup>7</sup> *Rollo*, pp. 2-3.

<sup>8</sup> *Id.* at 2.

<sup>9</sup> *Id.*, unpaginated (Report and Recommendation, pp. 1-7).

imputations of ill motive against respondent are not supported by substantial evidence.

On 29 January 2022, the IBP Board of Governors issued a Resolution<sup>10</sup> adopting the findings and recommendation of the Investigating Commissioner.

The Court **NOTES** the Report and Recommendation of the Investigating Commissioner and the Resolution dated 29 January 2022 of the IBP Board of Governors, and resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations therein.

As correctly emphasized by the IBP, the subsequent execution of affidavits of desistance is insufficient to establish the falsity or baselessness of the complaints. As a rule, affidavits of desistance are viewed with suspicion and reservation because they can easily be secured through intimidation or for a monetary consideration.<sup>11</sup> Thus, in and of themselves, the affidavits of desistance do not prove that the sexual harassment complaints were frivolous.

The IBP aptly noted that the affidavits did not categorically repudiate the allegations in the complaints.<sup>12</sup> They did not state that the sexual harassment incidents did not happen. In contrast with the very detailed narration in the complaint-affidavits,<sup>13</sup> the affidavits of desistance are couched in vague language. Moreover, the affidavits of desistance did not state that the earlier charges were fabricated, or that the victims were tricked into filing the complaints. Even the dismissal of the sexual harassment complaints does not prove the falsity of the earlier charges, absent a finding that the accusations were false, malicious, or unfounded.

From all indications, respondent merely performed his job as a lawyer tasked to handle sexual harassment incidents at EV Academy. Records show that allegations of sexual harassment had been leveled against complainant as early as December 2017,<sup>14</sup> or before he filed the criminal case against EV Academy's officers on 24 January 2018.<sup>15</sup> Thus, it does not appear that the sexual harassment complaints were filed out of spite or to gain leverage in the criminal case filed by complainant.

We have repeatedly emphasized that administrative proceedings against lawyers based on their acts or omissions in the exercise of their profession "are not alternatives to reliefs that may be sought and obtained from the proper offices or agencies."<sup>16</sup> If complainant believes that the

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<sup>10</sup> Id., unpaginated (Notice of Resolution, pp. 1-2).

<sup>11</sup> *People v. XXX*, G.R. No. 225288, 28 June 2021.

<sup>12</sup> *Rollo*, unpaginated (Report and Recommendation, p. 6).

<sup>13</sup> Id. at 12-15, 18-22.

<sup>14</sup> Id. at 94-95.

<sup>15</sup> Id. at 10.

<sup>16</sup> *Domingo v. Rubio*, 797 Phil. 581, 590 (2016).



charges against him lack basis, it is well within his rights to move for their dismissal. However, absent substantial evidence of ulterior motives, respondent should not be held accountable for his acts as counsel for the victims.

**WHEREFORE,** the instant administrative complaint against respondent is **DISMISSED.** Accordingly, the case is deemed **CLOSED** and **TERMINATED.**

**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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SEP 27 2022

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