



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated September 28, 2022, which reads as follows:

“A.C. No. 12859 (Joselito K. Echavez and Gloria L. Echavez, Complainants, vs. Senior Assistant City Prosecutor Raymunda Apolo, Respondent). – This resolves the disbarment complaint¹ filed by Joselito K. Echavez (Joselito) and Gloria L. Echavez (Gloria) (collectively, complainants) against Senior Assistant City Prosecutor Raymunda C. Apolo² (respondent) in relation to the latter’s approval of the Resolution³ dated October 28, 2016 (subject Resolution) finding probable cause against Joselito for Slight Physical Injuries and dismissing the counter-charges filed by complainants for insufficiency of evidence.⁴

Record shows that on April 23, 2016, Joselito punched her sister, Shirly Echavez Alo (Shirly), in front of her husband, Manuel Alo (Manuel), after a heated argument regarding the rental collections of their common property. Thereafter, Shirly and Manuel filed a complaint for Physical Injury and Unjust Vexation against complainants before the Office of the City Prosecutor of Manila.⁵ In turn, complainants and their son, Mathew L. Echavez (Mathew), filed three different cases against Shirly, Manuel, and Marivel Echavez (Marivel) (collectively, the Alo group), namely: 1) for Perjury, Incriminating against innocent persons, and Physical injury; 2) for Use of Falsified Document; and 3) for Physical Injury and Oral Defamation.⁶

In the subject Resolution,⁷ Assistant City Prosecutor Ma. Julpha P. Maningas recommended: (1) that an Information for Slight Physical Injuries

¹ *Rollo*, pp. 3-7.

² Referred to as “Deputy City Prosecutor Raymunda A. Cruz-Apolo” in some parts of the *rollo* (see *id.* at 18, 24, 26, 34, 37, 46, 53).

³ *Id.* at 9-18.

⁴ *Id.* at 17-18.

⁵ *Id.* at 10-11.

⁶ *Id.* at 27.

⁷ *Id.* at 9-18.

be filed against Joselito and the complaint against Gloria be dismissed and (2) that the counter-charges filed by complainants and Mathew be dismissed for insufficiency of evidence.⁸

The subject Resolution was signed and recommended for approval by respondent, and was subsequently approved by then City Prosecutor Edward M. Togonon.⁹

Complainants alleged that respondent abused her power and manipulated the case to favor the Alo group when she recommended the subject Resolution for approval.¹⁰ In her Comment,¹¹ respondent denied all the allegations against her and prayed for the dismissal of the complaint for lack of factual and legal bases.¹² Complainants, thereafter, filed a Reply¹³ to which respondent filed a Rejoinder.¹⁴

Issue

Should respondent be administratively disciplined based on complainants' allegations?

The Court's Ruling

After a careful review of the records, the Court resolves to dismiss the disbarment complaint against respondent for lack of merit.

As a rule, the Integrated Bar of the Philippines (IBP) has no jurisdiction to investigate government lawyers charged with administrative offenses involving the performance of their official duties; the authority to discipline them falls within the province of their superior (*i.e.*, the Secretary of Justice in case of prosecutors)¹⁵ or the Office of the Ombudsman.¹⁶ Nonetheless, if the misconduct of the lawyer also constitutes as a violation of his or her oath¹⁷ or is of such a character as to affect his or her qualification as a lawyer, then

⁸ Id. at 18.

⁹ Id. at 18, 28-29.

¹⁰ Id. at 3-4.

¹¹ Id. at 24-38.

¹² Id. at 37.

¹³ Id. at 114-116.

¹⁴ Id. at 46-53.

¹⁵ *Trovela v. Robles*, 832 Phil. 1, 6 (2018).

¹⁶ The jurisdiction of the Office of the Ombudsman over disciplinary cases of government officials (including government lawyers) is based on Section 13(1), Article XI of the 1987 Constitution and Section 15(1) of Republic Act No. 6770, otherwise known as "The Ombudsman Act of 1989."

¹⁷ *Atty. Vitriolo v. Atty. Dasig*, 448 Phil. 199, 207 (2003).

he or she may be disciplined by the Court as a member of the bar on such ground.¹⁸

Here, complainants averred that respondent's act of recommending the subject Resolution for the approval by the City Prosecutor is an abuse of her power as she favored one litigant. Apparently, the charge constitutes a violation of respondent's sacred oath, or is of such a character as to affect her qualification as a lawyer.

In the recent case of *Guevarra-Castil v. Trinidad*,¹⁹ the Court abandoned the rule that it has no jurisdiction to discipline government lawyers concerning their alleged violations involving their official duties, subject to the following guidelines, viz.:²⁰

1. All complaints against and which seek to discipline government lawyers in their respective capacities as members of the Bar must be filed directly before this Court. Conversely, complaints which do not seek to discipline them as members of the Bar shall be dismissed for lack of jurisdiction and referred to the Ombudsman or concerned government agency for appropriate action.

2. In connection with paragraph 1, upon filing, the Court must determine whether the concerned agency, the Ombudsman, or the Court, has jurisdiction over the complaint against the government lawyer. In making such determination, the following must be considered: did the allegations of malfeasance touch upon the errant lawyer's continuing obligations under the CPR and/or the Lawyer's Oath? To put it more simply, the primordial question to be asked in making this determination is this: *do the allegations in the complaint, assuming them to be true, make the lawyer unfit to practice the profession?*

2a. *If the question in paragraph 2 yields a positive answer, the case properly lies before the Court, which shall retain jurisdiction.* This is so because again, the power to regulate the practice of law, and discipline members of the bar, belongs to Us. x x x.

2b. On the other hand, if the question in paragraph 2 yields a negative answer, the Court, for lack of jurisdiction, shall dismiss the case and refer the same to the appropriate government office or the Ombudsman.²¹

¹⁸ *Gonzales-Austria v. Judge Abaya*, 257 Phil. 645, 659-660 (1989).

¹⁹ A.C. No. 10294, July 12, 2022.

²⁰ Id.

²¹ Id.

In the case, assuming that complainant's allegations were true (*i.e.*, that respondent conspired with the Alo group in approving the subject resolution), respondent, surely, would be unfit for the legal profession. Consequently, there is no question as regards the Court's jurisdiction over the case.

Nevertheless, other than their bare allegations, complainants failed to show that respondent, in recommending the approval of the subject Resolution, had acted in any manner that would render her unworthy of being a member of the legal profession.²² "While the Court will not hesitate to punish erring lawyers who are shown to have failed to live up to their sworn duties, neither will the Court hesitate to extend its protective arm to lawyers who are at times maliciously charged."²³

WHEREFORE, the disbarment complaint against Senior Assistant City Prosecutor Raymunda Apolo is **DISMISSED** for lack of merit.

SO ORDERED."

By authority of the Court:

Misael C. Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court *JB 12/5/22*

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²² *Armilla-Calderon v. Lapore*, A.C. No. 10619, September 2, 2020.

²³ *Gow v. De Leon*, A.C. No. 12713, September 23, 2020.

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