



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated February 6, 2023, which reads as follows:*

“A.C. No. 13603 [formerly CBD Case No. 18-55-93] (*Clarita Lilia E. Lacson v. Atty. Jonathan M. Polines*). – Before the Court is the verified complaint<sup>1</sup> filed by Clarita Lilia E. Lacson (complainant) against Atty. Jonathan M. Polines (respondent) before the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP), for violation of Canons 1,<sup>2</sup> 10,<sup>3</sup> 13,<sup>4</sup> and 19<sup>5</sup> of the Code of Professional Responsibility (CPR).<sup>6</sup>

The complaint stemmed from respondent’s alleged acts of filing malicious and baseless criminal complaints against the complainant before the prosecutor’s office, and violating Republic Act (R.A.) No. 10173<sup>7</sup> for unlawfully obtaining and processing complainant’s confidential and personal data/information regarding her travel documents that were subsequently utilized by the respondent in filing an unfounded deportation case against the complainant before the Bureau of Immigration (BI). Said criminal complaints and the deportation case were ultimately dismissed.<sup>8</sup>

Respondent essentially denied the accusations against him and asserted that the criminal complaints were filed by his clients. He neither signed the pleadings therein nor appeared in the preliminary investigation therefor. Also, he did not commit any violation of R.A. No. 10173, for complainant’s information obtained from the Department of Labor and Employment

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<sup>1</sup> *Rollo*, pp. 1-8.

<sup>2</sup> Canon 1 - A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law of and legal processes.

<sup>3</sup> Canon 10 - A lawyer owes candor, fairness and good faith to the court.

<sup>4</sup> Canon 13 - A lawyer shall rely upon the merits of his cause and refrain from any impropriety which tends to influence, or gives the appearance of influencing the court.

<sup>5</sup> Canon 19 - A lawyer shall represent his client with zeal within the bounds of the law.

<sup>6</sup> *Rollo*, p. 6 and 300.

<sup>7</sup> An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for other Purposes, approved August 15, 2012.

<sup>8</sup> *Rollo*, pp. 1-8.

(DOLE) and the BI were used for a lawful proceeding before the BI, which is an exception under R.A. No. 10173.<sup>9</sup>

After a judicious examination of the records of the case, the Court adopts and approves the findings and recommendation of the IBP Board of Governors in the Extended Resolution dated July 4, 2022,<sup>10</sup> recommending the dismissal of the complaint for lack of merit.<sup>11</sup>

At the onset, an attorney enjoys the legal presumption that he/she is innocent of the charges against him until the contrary is proved, and that as an officer of the Court, he/she is presumed to have performed his/her duties in accordance with his/her oath.<sup>12</sup>

Corollarily, 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 the 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.<sup>13</sup> Accusations remain mere allegations if unsupported by the requisite quantum of proof.<sup>14</sup>

Here, the Court agrees with the IBP that complainant failed to prove her charges against respondent by substantial evidence.

As aptly pointed out by the IBP, the eventual dismissal *per se* of the criminal complaints and deportation case filed by respondent's clients against complainant does not necessarily mean that said cases are totally malicious and baseless,<sup>15</sup> more so in the absence of a clear showing that said cases were initiated by respondent and his clients merely for the purpose of harassing or vexing the complainant. Indeed, the administrative liability and/or disciplinary accountability of members of the Philippine Bar cannot and should not be premised solely on the success or failure of cases in view of a

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<sup>9</sup> Id. at 65-73.

<sup>10</sup> Id. at 378-381.

<sup>11</sup> Id. at 381.

<sup>12</sup> *Nolasco v. Renta*, A.C. No. 13237, April 26, 2022.

<sup>13</sup> *Macabenta v. Nuyda*, A.C. No. 11087, October 12, 2020.

<sup>14</sup> *Partsch v. Vitorillo*, A.C. No. 10897, January 4, 2022.

<sup>15</sup> *Rollo*, p. 305-306.

lawyer's sworn duty to zealously advocate his or her client's cause,<sup>16</sup> subject only to the reasonable limitations under the law and the CPR.

Anent respondent's alleged violation of R.A. No. 10173, there was likewise not an iota of proof to establish that respondent unlawfully obtained and/or processed complainant's personal data or information, or used the same for illegal purposes. Rather, records disclose that such personal data of complainant were utilized in a lawful proceeding, *i.e.*, the BI deportation case.<sup>17</sup> Also, it appears that the deportation case against the complainant was grounded not only on the DOLE certification and complainant's BI-sourced information that were supposedly obtained by the respondent, but also on the very information stated by complainant in the General Information Sheets of the United Cadiz Sugarcane Planters Association, Inc, of which she is a member of the Board of Directors.<sup>18</sup>

To stress, in order to sustain a finding of administrative culpability, substantial evidence is required. If the complainant fails to meet the required standard or to establish his/her case by clear, convincing, and satisfactory evidence as in this case, this Court shall not hesitate to dismiss any disbarment proceedings against any lawyer.<sup>19</sup> Stated differently, in the absence of proof that respondent's acts equated to a violation of his oath as a lawyer or a breach of the CPR, the presumption of innocence accorded him as a lawyer remains and the complaint against him must be dismissed.<sup>20</sup>

While the Court will not avoid its responsibility in meting out the proper disciplinary punishment upon lawyers who fail to live up to their sworn duties, the Court will not wield its axe against those the accusations against whom are not indubitably proven.<sup>21</sup>

**WHEREFORE**, premises considered, the Court **ADOPTS** and **APPROVES** the Extended Resolution dated July 4, 2022 of the Integrated Bar of the Philippines. The instant administrative case against Atty. Jonathan M. Polines is hereby **DISMISSED**.

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

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<sup>16</sup> Id. at 306.

<sup>17</sup> Id. at 307 and 325-326.

<sup>18</sup> Id. at 352-353.

<sup>19</sup> *Ignacio v. Cabantac*, A.C. No. 12675, February 5, 2020.

<sup>20</sup> Id.

<sup>21</sup> *Macabenta v. Nuyda*, supra note 13.

**SO ORDERED.”**

By authority of the Court:

<sup>Misael DC Batt</sup>  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court* JB 3/10/23

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