

### Title:

**\*\*Dismissal of Anonymous Complaint Against Solicitor General Agnes Vst. Devanadera and Attorneys Rolando Faller and Santiago Varela\*\***

### Facts:

The Supreme Court received an unverified letter-complaint on September 5, 2007, authored by “Concerned Citizens” alleging misconduct against Solicitor General Agnes Vst. Devanadera, Alberto C. Agra (Government Corporate Counsel), and other lawyers from the Office of the Government Corporate Counsel (OGCC). The complaint, originally filed on August 6, 2007, accused the solicitor general and her colleagues of engaging in partisan political activities during the May 14, 2007 elections, and of violating the Anti-Graft and Corrupt Practices Act. The same complainants also filed a similar complaint with the Office of the Ombudsman.

After being directed by the Supreme Court to comment on these allegations, Devanadera and the implicated attorneys sought dismissal based on the anonymous nature of the complaint, arguing inconsistency with Section 1, Rule 139-B of the Rules of Court. They also mentioned their inability to engage in prohibited political activities due to their cabinet positions, among other defenses, and indicated that the resolution of the Ombudsman complaint was essential before any disciplinary action could be considered by the Court.

### Issues:

1. Whether the anonymous and unverified nature of the complaint warrants its dismissal.
2. The impact of the unresolved Ombudsman complaint on the current disbarment/disciplinary proceedings.
3. The allegation of engaging in partisan political activities vis-à-vis the exemptions stated in Section 261 (i) of the Omnibus Election Code as cited by Devanadera.
4. The denial of due process to the accused due to not being furnished with a copy of the complaint and its annexes.

### Court’s Decision:

The Supreme Court dismissed the complaint, emphasizing the defects in the complaint’s form and the vague nature of the allegations. It ruled that:

- The lack of verification and anonymity of the complaint could be overlooked if the ends of justice would be served, but the allegations were found to be vague, and mere photocopies of supposed evidence were insufficient.
- The Court found the solicitor general’s exemption claim under Section 261 (i) of the

Omnibus Election Code to be irrelevant as the complaint was dismissed on other grounds, notably the complaint's vagueness and unverified status.

- It was determined that the resolution of the complaint with the Ombudsman was not a prerequisite for the Supreme Court to act on a disciplinary matter. However, this point became moot upon the dismissal of the complaint.
- The Court found that there was no denial of due process, as the respondents were eventually given the opportunity to comment, but dismissed the case on merits of the complaint's quality and substance.

### ### Doctrine:

- **Procedural Irregularity Does Not Alone Justify Dismissal**: A complaint's lack of verification or anonymous nature does not automatically render it dismissible if the ends of justice are served by considering it. However, the substantive merits of the complaint, or lack thereof, can justify dismissal.
- **Reputation and Protection of Legal Practitioners**: The Court highlighted its duty to protect the reputation of legal practitioners from frivolous or unsubstantiated charges, underlining a lawyer's reputation as a critical asset.

### ### Class Notes:

- **Rule 139-B, Section 1, Rules of Court**: Complaints against attorneys must be verified. However, failure to verify can be seen as a formal defect that the Court may waive to serve justice.
- **Anonymity of Complaints**: An anonymous complaint is typically viewed with caution but can be accepted if verifiable and substantiated by competent evidence.
- **Due Process in Disciplinary Actions**: Respondents must be given an opportunity to comment on the allegations against them, but the absence of annexes or other procedural lapses may not necessarily constitute a denial of due process if the overall fairness is maintained.
- **Omnibus Election Code, Section 261 (i)**: Prohibits intervention in election campaigns by public officers, though the exemption for individuals outside the civil service, such as cabinet members, was cited but found non-germane to the dismissal.

### ### Historical Background:

This resolution casts a spotlight on procedural nuances in handling complaints against members of the Philippine legal profession. The case underscores the balance the Court seeks in both upholding standards of legal conduct and protecting attorneys from baseless accusations. It clarifies how procedural shortcomings in complaints may be overlooked if

substantive justice demands, while also emphasizing the importance of maintaining an attorney's reputation against unfounded claims.