

DANIEL S. AQUINO, COMPLAINANT, VS. ATTY. MARIA LOURDES VILLAMAR-MANGAOANG, RESPONDENT.

A.C. No. 4934. March 17, 2004

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This administrative complaint[1] prays that respondent be disbarred for allegedly introducing false evidence in a case and for breaching her duties to the legal profession.

Complainant avers that prior to his present assignment, he was a Special Investigator of the Legal and Investigation Staff of the Bureau of Customs, Customs Police Division, Ninoy Aquino International Airport (NAIA) District Command, Pasay City, headed by respondent.

On July 2, 1996, a passenger named Christopher B. Gomez arrived at the NAIA from San Francisco, California under Flight No. PR-105.[2] When one of his balikbayan boxes passed through the Bureau of Customs x-ray machine, the image of what looked like handgun parts appeared.[3] A rigid examination conducted by Customs Examiner Manolito Ermitaño confirmed that the items were assorted gun parts. The Chairman of the NAIA-DOJ Prosecution Task Force caused the filing of a criminal complaint against Gomez with the Department of Justice.[4]

Complainant claims that prior to or during the preliminary investigation of the case, particularly on September 2, 1996, NAIA Customs Police Officer Apolonio Bustos and respondent ordered the transfer of the gun parts inside Gomez's balikbayan box to another box. She then ordered Office Messenger Joseph Maniquis to deliver to the State Prosecutor the balikbayan box without the gun parts. According to complainant, respondent did this because Gomez was a close friend.[5] The switching of the balikbayan boxes and the substitution of the evidence resulted in the dismissal of the criminal charges against Gomez.[6]

Complainant argues that respondent exercised dishonesty, committed acts of legal impropriety, and compromised her duties and responsibilities as a lawyer, an officer of the court and a public official, thereby causing damage and prejudice to the government.

In her Answer, [7] respondent avers that she could not have switched the contents of the balikbayan box of Gomez because she was not in charge of the physical disposition of the evidence. She pointed out that if complainant's allegations were true, he should have filed a complaint against her after the case against Gomez was dismissed in 1996. However, he waited more than two years before bringing these unfounded and false accusations against her.

The case was referred to the Integrated Bar of the Philippines for investigation, report and recommendation.[8] On March 4, 2003, the IBP Commission on Bar Discipline recommended the dismissal of the complaint for lack of merit.

The recommendation is well-taken.

The complaint against respondent is anchored primarily on the affidavit of Joseph P. Maniquis, Office Messenger of the Legal and Investigation Staff dated August 5, 1998[9] who stated that in the evening of September 2, 1996, respondent instigated, planned and supervised the substitution of Gomez's balikbayan box.[10] His affidavit is a grammatically well-drafted document written in English which contains statements that neatly dovetail with the allegations in the complaint.

On April 1, 2002, Maniquis executed a Sinumpaang Salaysay where he admitted the following:

x x x

x x x

x x x

- Noong ika-5 ng Agosto 1998, matapos ako painumin ng alak ni DANIEL AQUINO ay pinapirma nya ako sa isang affidavit na nakasulat as (sic) Ingles na di ko nabasa;

- Nalaman ko na lamang kelan lang na yung affidavit na pinirmahan ko ay ginamit para kasuhan si Atty. Lourdes Mangaoang;

- Hindi tutuo na ako ay inutusan ni APOLONIO BUSTOS o ni ATTY. MANGAOANG na ilipat ang balikbayan box mula sa opisina ng Legal and Investigation Staff, NAIA sa sasakyan ni Bustos noong ika02 ng Septyembre 1996. Lalong walang katotohanan ang paratang na inilipat naming ang balikbayan box sa kotse ni Atty. Mangaoang;

- Pinabubulaanan ko ang mga salaysay ko sa affidavit na pinirmahan ko noong ika-5 ng Agosto 1998.

- Lahat ng sinabi ko sa sinumpaang salaysay na ito ay pawing katotohanan xxx.[11]

The foregoing has a more authentic ring of truth compared to the verbose and grammatically precise English statements contained in his purported affidavit.

Moreover, there are other circumstances which demonstrate the instant complaint's lack of merit.

The claim of complainant that respondent was in her office on September 2, 1996 with Customs Police Officer Apolonio Bustos to substitute the balikbayan box of Christopher Gomez is belied by the attendance logbook[12] for September 2, 1996, which shows that she was not present during that time and, thus, could not have ordered

Joseph B. Maniquis to switch Gomez's box. It also appears that respondent was not even aware of the scheduled hearing at the DOJ on September 3, 1996 considering that she received a subpoena duces tecum relative to the case only at 4:00 p.m. of that day.[13]

Equally damaging is the fact that Apolonio Bustos vehemently denied having ordered Maniquis to load Gomez's balikbayan box onto his car on September 2, 1996[14] and having driven the same to the International Container Terminal, because all the physical evidence were stored in the evidence room which was under the supervision of the Evidence Custodian. Bustos further asserted that he regularly left the office at 5:00 p.m.[15]

Complainant's allegation that respondent together with Customs Police Officers Edgardo R. Galang and Juan B. Turqueza met with the counsel of Christopher Gomez at the Kamayan Restaurant on August 8, 1996 was contradicted by no less than Galang and Turqueza themselves, who denied the claim and declared that the same is "merely a product of [complainant's] imagination done in retaliation for the several instances we required him to pay the correct taxes and duties for articles the release of which he facilitated at the Arrival Area, NAIA." [16]

The duty of the Court towards members of the bar is not only limited to the administration of discipline to those found culpable of misconduct but also to the protection of the reputation of those frivolously or maliciously charged.[17] In disbarment proceedings, the burden of proof is upon the complainant and this Court will exercise its disciplinary power only if the complainant establishes his case by clear, convincing and satisfactory evidence.[18] In the case at bar, complainant failed to meet the required evidentiary standard. In the absence of convincing or clearly preponderant evidence, as in this case, the complaint for disbarment against respondent should be dismissed.[19]

WHEREFORE, in view of all the foregoing, the complaint is hereby DISMISSED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Carpio, and Azcuna, JJ., concur.

Panganiban, J., on official leave.

[1] Rollo, p. 1.

[2] Id., pp. 6-11.

[3] Id., pp. 11-12.

[4] Id., pp. 19-21.

[5] Id., pp. 22-25, 26-29.

[6] Id., pp. 30-33.

[7] Id., p. 162.

[8] Id., p. 202.

[9] Id., pp. 22-25.

[10] Id.

[11] Id., p. 197; emphasis provided.

[12] Id., p. 198.

[13] Id., p. 203.

[14] Id., p. 204.

[15] Id.

[16] Id., p. 206.

[17] Maravilla v. Villareal, 63 Phil. 436 (1936).

[18] Urban Bank v. Peña, 417 Phil. 70 (2001); citing Narag v. Narag, 353 Phil. 643 (1998).

[19] Arboleda v. Gatchalian, 157 Phil. 66 (1974); Ricafort v. Baltazar, 126 Phil. 767 (1967); Delos Santos v. Bolaños, 127 Phil. 87 (1967); Argona v. Cruz, A.M. No. 1236, 31 July 1975, 65 SCRA 550.

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