

ARTURO C. SAMPANA, COMPLAINANT, VS. ATTY. EDGARDO J. ANGARA AND ATTY. DEMAREE J.B. RAVAL, RESPONDENTS.*A.C. NO. 5839. August 22, 2006*

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-5839/>**CHICO-NAZARIO, J.:**

Before Us is a Complaint[1] for the disbarment of incumbent Senator Edgardo J. Angara (respondent Angara) and Atty. Demaree J.B. Raval (respondent Raval), filed by Arturo C. Sampana with the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP). Complainant alleges that respondents committed various offenses amounting to gross misconduct, violation of their oath as lawyers, and the Code of Professional Responsibility by instructing, inducing, cajoling, and instigating the complainant in perpetrating falsehoods and in committing unlawful acts.[2]

In his Affidavit dated 31 October 2001,[3] complainant Arturo C. Sampana, a journalist by profession, alleged that he first met Robert Rivero (Rivero) in 1995 while they were campaigning for the election of Ed Morales (Morales) as Provincial Board Member of the 1st Congressional District of Bulacan. In 1996, complainant, together with Rivero and Morales, established the LUZON PEN, a provincial community newspaper in Bulacan, which was partly financed by Florencio "Rey" Parena (Parena).[4] The latter then was being linked to alleged drug lord, Alfredo Tiongco (Tiongco).[5] After LUZON PEN had closed down in 1997, complainant became a radio correspondent for Balita ng Bayan in DZXL (now RMN news) whereas Rivero became the anchor of the same radio program.

In 1998, complainant established and became the Editor-in-Chief of NEWS PEN, a national weekly newspaper. It was owned by Fernando Gaddi (Gaddi), the brother of complainant's late friend, Efren Gaddi. While they were organizing the NEWS PEN, Gaddi inquired from complainant if he knows of any person who had access to then Senator Tessie Aquino-Oreta (Oreta), who, at that time, was the newly designated Chairperson of the Senate Committee on Education. Gaddi needed Oreta's favorable recommendation for his proposed textbook supply contract with the Department of Education and Culture. Complainant recommended Rivero, who was then a Senate reporter, to Gaddi. Eventually, complainant and Rivero agreed to work for the favorable recommendation by Oreta of Gaddi's P200,000,000.00 textbook supply contract. Gaddi agreed to give complainant and Rivero the amount of P1,000,000.00 and P2,000,000.00, respectively, if they succeeded in persuading Oreta to recommend Gaddi for the said textbook supply contract. They also agreed that the P2,000,000.00 share of Rivero will be further shared with a staff member of Oreta named Jane Cruz (Jane), who later on also became the wife of Rivero. At this point, Rivero became the Contributing Editor of NEWS PEN.

On various dates in 1998 and after securing Oreta's favorable recommendation, Gaddi delivered to Rivero a check in the amount of P500,000.00, and cash worth P800,000.00, as partial payment of his obligations to Rivero and complainant. Rivero, who was supposed to turn over to complainant the latter's share in the amount of P500,000.00, failed to do so, claiming that he gave the said amount to Oreta. According to Rivero, Oreta needed the money for her then ailing mother, Doña Aurora. However, complainant found out later that the said amount

was given by Rivero to his wife, Jane. Thinking that he was double-crossed, complainant broke ties with Rivero. In April 1999, complainant and Rivero reconciled during their meeting at the office of then Senator Blas Ople.

In July 2001, Rivero appeared on television to expose the alleged misuse of Philippine Charity Sweepstakes Office (PCSO) funds. Thereafter, Rivero called complainant on his cellular phone and told him "Art, na-set up ako dito. Tulungan mo ako may papuputukin akong kwento para makabawi ako. Malaking tao ang matatamaan dito, kasama na si Obet [Pagdanganan]." [6] Complainant agreed to help Rivero but he reminded him that Pagdanganan had a pending libel case against complainant and LUZON PEN in connection with the Barasoain Church Project scam story published in the same newspaper. Rivero, however, assured complainant that the libel case will not be affected since Pagdanganan had already executed an affidavit of desistance therein.

Subsequently, Rivero again called complainant and told him to implicate First Gentleman Miguel Arroyo (Mike Arroyo), Senator Joker Arroyo, Ernesto Herrera and Senator Juan Flavio in connection with some irregularities. Rivero assured complainant that there is nothing to worry about since the matter will eventually be settled and that once he joined him in implicating Mike Arroyo to some irregularities, the latter will be forced to compromise with them for a large amount of money. Complainant, who was also a writer/correspondent in Manila Times, The Daily Tribune (Tribune), and BANAT newspapers, told Rivero that he could not write this controversy in Manila Times. In reply, Rivero suggested that he just write the same in Tribune and BANAT.

Sometime in the second week of August 2001, Rivero called complainant and told him "Tulungan natin si Lacson [Senator Panfilo Lacson]. May papuputukin tayo – babanatan ko si Mike Arroyo, pagkatapos tirahin mo naman sina Corpuz [Lt. Col. Victor Corpuz], at gamitin mo ang nalalaman mo sa Tiongco-Parena case. Magkakapera tayo ng malaki dito, susuportahan tayo ng grupo ni Angara [respondent Angara] at Lacson." [7] Rivero also informed complainant that the group of respondent Angara and Lacson would give them P1,000,000.00 plus "other benefits" including the printing and marketing of complainant's book-in-progress. Further, Rivero told complainant "Makakabawi ka rin sa akin, doon sa hindi ko naibigay sa iyo noon. Pare, yung asawa ko si Jane nasa staff ni Lacson, kaya pasuk na pasuk tayo, may pera at suporta pa. Marami pang tatamaan dito – sina Senators Joker and Flavio at ex-senator Herrera at ex-governor Obet." [8]

Thereafter, Rivero instructed complainant to meet him and the group of respondent Angara and Senator Panfilo Lacson (Lacson) on 22 August 2001 at the parking lot of Westin Philippine Plaza (WPP) in Pasay City. Complainant was informed by Rivero that he will execute an affidavit against Col. Victor Corpus (Corpus), the Intelligence Service of the Armed Forces of the Philippines (ISAFP), and Senator Joker Arroyo on the above-mentioned date. Rivero also told complainant to prepare in advance a written statement to be used at the Senate Committee hearings on Lacson's involvement in drug trafficking.

On 22 August 2001, at about nine in the morning, complainant met Rivero and Raymond Burgos (Burgos), a publicist of Lacson and respondent Angara, at the parking lot of WPP. From the parking lot, they proceeded to the lobby of the business center thereof where they met respondent Raval and two ABELLO CONCEPCION REGALA & CRUZ (more commonly known as ACCRA Law Office) lawyer-assistants namely, Atty. Johnas M. Lamorena (Lamorena) and Atty. John P. Virgino (Virgino). Rivero introduced complainant to respondent Raval by saying "Ito ang kasama natin gigiba kay Corpuz." [9] Afterwards, respondent Raval explained to complainant that he will execute an affidavit which will destroy the credibility of Corpus and ISAFP since the two were implicating Lacson to some illegal activities. He also divulged to complainant that Rivero will execute an affidavit which will implicate Mike Arroyo and several others to some illegal activities. Moreover, he disclosed to complainant that they will be presented to testify before separate Senate hearings.

After finishing his written statement, complainant submitted it to respondent Raval. The latter made a remark that

while the same is "okay," he needed "to add" some statements to produce the desired impact, and fully destroy the reputation of Corpus and ISAFP.[10] When complainant hesitated thereon, Rivero approached him and said "Pare, ok lang yan, ako nga, ang daming ipinadagdag si Mario (respondent Raval)."[11] Complainant noticed that Rivero was holding a paper which appears to be an affidavit. Rivero told him that it is an affidavit against Mike Arroyo.

Later, respondent Raval called respondent Angara on his cellular phone and relayed the contents of the written statement of complainant. At the end of the conversation, respondent Raval said "Sir, ok ito, pero may kailangan akong idagdag para may impact kay Corpuz at Joker. Ok ba Sir? Ngayon na?"[12] Subsequently, respondent Raval informed complainant that respondent Angara had already given the "go signal" to prepare and finalize his affidavit with the necessary additions, and that the affidavit must be shown to him once it is finalized. At this juncture, complainant heard Burgos talking to his "boss" on the phone, informing him of the developments. Complainant also heard respondent Raval and Rivero discussing the draft of the supposed privilege speech of Senator Aquilino Pimentel with regard to the PCSO scam, and which involved Mike Arroyo.

Thereafter, respondent Raval, together with Lamorena and Virgino, assisted complainant in writing his affidavit by means of a laptop computer owned by Lamorena. At this point, respondent Raval instructed him to concoct and include the following statement in his affidavit:

"During the period that I was under protective custody and even after that, I met Lt. Col. Corpuz several times in the premises of ISAFP."[13]

Complainant, at first, hesitated to include the same therein, claiming that he never really saw, much less met with Corpus during the time he was under protective custody of ISAFP in 1997. Nevertheless, complainant agreed to include the same in his affidavit. Respondent Raval also induced him to state therein that ISAFP Generals Calimlim, Libarnes and Lastimoso were the persons named by Tiongco who had persuaded him to turn state witness against Lacson. Again, complainant acceded. Later on, respondent Raval told complainant "Eto pa, para may impact kay Mike Arroyo, sabihin mo na in-approach ni Mike Arroyo si Parena para huwag nang isali si GMA sa listahan ng mga sangkot kay Tiongco."[14] Rivero intervened and said "Oo para pareho tayo."[15] This time, however, complainant refused arguing that this would be easy to disprove, and that the two above-stated additions are enough.

Unfazed, respondent Raval persuaded complainant to "attack" Senator Joker Arroyo in his affidavit by stating that the latter gave Rivero P160,000.00, in order to "buy his silence." He also told complainant to state therein that Senator Robert Barbers, who was at that time the Chairman of the Committee on Senate inquiry on drug trade, kidnapping for ransom and money laundering, which was investigating Lacson, was responsible for the release of suspected drug lord, Lawrence Hwang. According to respondent Raval, this exposé would greatly affect the "equilibrium" of Barbers as regards the investigation of Lacson. Complainant, however, refused to include these statements in his affidavit.

Still undismayed, respondent Raval induced complainant to include therein the name of Senator Vicente Sotto III (Sotto) as among those wrongly implicated by ISAFP in Parena's affidavit. Complainant refused saying that Sotto was a known close friend of Tiongco. Nevertheless, upon respondent Raval's insistence, complainant relented and said, "Bahala kayo."[16]

Subsequently, respondent Raval, together with Lamorena and Virgino, took complainant to the Senate office of respondent Angara. While they were walking in the lobby of the Senate, respondent Raval met some of his colleagues therein and stated "Malaki nagastos ko pero ok lang, may resulta naman. Matutuwa si Boss."[17] Upon reaching the office of respondent Angara, complainant saw respondent Angara standing near the door of an inner

room. Respondent Raval walked directly to respondent Angara and chatted with him. He also showed to respondent Angara the complainant's draft affidavit. Afterwards, respondent Raval pointed to complainant as if to confirm the latter's presence to respondent Angara. At this point, respondent Angara smiled and waved his hand at complainant. Subsequently, complainant, together with respondent Raval, Lamorena and Virgino, went to the Senate lounge to take their lunch. After ordering their food, respondent Raval excused himself saying that he will meet respondent Angara at the Session Hall. Later, respondent Raval returned and directed complainant to sign his affidavit. After complainant had signed his affidavit, respondent Raval took possession of the same and told complainant that he will go back to his office to have the same notarized. Upon his return with a companion, respondent Raval gave complainant a copy of his notarized affidavit. The unidentified companion of respondent Raval gave complainant an envelope containing P10,000.00 and said "Boss, heto panggastos mo. Bahala na si Robert (Rivero) at Raymond (Burgos) sa iba pang kasunod." [18] Respondent Raval shook the hand of complainant, gave him his cellular phone number and left. Later that evening, Rivero called complainant and inquired what happened. Complainant replied that respondent Angara had paid him P10,000.00. Then, Rivero told complainant "Standby ka lang, mayroon pang darating." [19]

Sometime in the first week of September 2001, Burgos called complainant and told the latter to call Rivero on his new cellular phone number. When complainant called Rivero, the latter told him to expect a call from Ninez Cacho Olivarez (Olivarez) of the Tribune. A few days later, Olivarez called complainant and told the latter to proceed to her office in Tribune located at T.M. Kalaw corner A. Mabini Street, Manila.

On 6 September 2001, at about 10:30 in the morning, complainant went to the office of Olivarez and was interviewed therein by Benjamin Pulta (Pulta) with regard to the 1997 ISAFP operation on Tiongco and Parena. Pulta's article entitled "Corpuz following 1997 ISAFP script" [20] appeared in the 7 September 2001 issue of the Tribune. The article was based on Pulta's interview with complainant and the latter's affidavit previously executed with respondent Raval.

Thereafter, Rivero called complainant and told him that he was being "hit" by Orlan Mauricio and Pagdanganan on Channel 9. He also informed complainant that the group of respondent Angara and Lacson wanted him to write something against presidential son, Mikey Arroyo, in BANAT and Tribune. Subsequently, complainant called his former colleague in Inquirer newspaper and now Editor-in-Chief of BANAT tabloid, Jun Alano (Alano). He informed Alano that Mikey Arroyo was a close friend and protector of alleged drug lord, Parena. Further, Mikey Arroyo even held a shooting for the telenovela in Parena's videoke bar "DIOSA" now "CLASSMATES." Complainant claimed that this fact, which appeared in BANAT's issue on 8 October 2001, was based on information relayed to him by Rivero over the telephone. However, complainant later confirmed that Mikey Arroyo did not really know Parena.

Subsequently, Rivero informed complainant that the group of respondent Angara and Lacson wanted him to link Mike Arroyo in the controversy involving the renovation of the Barasoain Church. Complainant relented. Thus, on 13 October 2001, the headline on BANAT reads: "Big Mike, Sabit Din Sa Barasoain Scam." [21] Complainant also wrote the same story on the same date in Tribune.

Still unsatisfied, Rivero told complainant to "hit" Dante Ang (Ang). Rivero instructed complainant to secure a copy of the appointment papers of Teodoro Berbano (Berbano) as a highly paid consultant of Ang's Public Relations firm, Dante Ang and Associates. Berbano was the President of the sequestered Journal Group of Publications (JGP). The plan was to show that Ang was using the sequestered JGP for the benefit of his clients in his public relations firm. Complainant succeeded in obtaining a copy of Berbano's appointment papers. Thus, Rivero directed complainant to turn over the said papers to Burgos, who, in turn, will give him the amount of P50,000.00. Shortly thereafter, Burgos called complainant and instructed the latter to meet him on 14 October

2001 in Columbia Cyber Café located at the 4th floor of the SM Megamall between 4:00 to 5:00 in the afternoon.

On 14 October 2001, complainant, together with a colleague named Jun Acot, went to the venue of the meeting. Complainant submitted therein Berbano's appointment papers to Burgos. When complainant inquired with Burgos about the P50,000.00 mentioned by Rivero, Burgos told him that Rivero did not give him any money. According to Burgos, Rivero told him to inform complainant that the said amount will be delivered to the latter in the future. Burgos, then, instructed complainant to research the background of Chito Arabejo, a Bureau of Immigration and Deportation officer, who was reported to have arrested a Spanish national in possession of a huge sum of money in United States dollars. Burgos explained that the complainant's next "assignment" was to write in BANAT and Tribune that these dollars were supposedly part of the pay-off which Mike Arroyo allegedly received from a controversial telecommunications franchise deal.

When complainant called Rivero and demanded the amount of money they agreed upon, Rivero was surprised and asked him "Wala bang ibinigay si Raymond (Burgos)?"[22] On 22 October 2001, an article in BANAT came out exposing the appointment of Berbano by Ang.

On 12 November 2001, complainant filed a complaint for the disbarment of respondents Angara and Raval with the IBP on the ground that the two have instructed, induced, cajoled, and instigated him to include false statements in his affidavit dated 22 August 2001 in their attempt to destroy or discredit Corpuz, the ISAFP, and other public officials. Complainant claimed therein that the aforesaid acts of respondents Angara and Raval constituted a violation of the Code of Professional Responsibility under the Rules of Court and that these rendered them unfit to practice law.

In his Answer dated 28 November 2001,[23] respondent Angara denied having instructed, induced, cajoled or instigated the complainant to include false statements in his Affidavit dated 22 August 2001.

He claimed that on 12 November 2001, he read a column by Jarius Bondoc (Bondoc) in the Philippine Star entitled, "Induced to hack at Joker, Corpus"; that it was only upon reading the said column that he came to know of the complainant and the latter's Complaint, and Affidavit dated 22 August 2001 and 31 October 2001; that upon sensing that a demolition job was being undertaken against him, he immediately sent a letter dated 14 November 2001 to Bondoc, informing the latter of the fabrications contained in the complainant's Affidavit dated 22 August 2001; that respondent Raval is a consultant in his office in the Senate; that respondent Raval is also a Special Counsel for the Committee on the Revision of Codes and Laws in the Senate; that respondent Raval is free to engage in private practice of law in his spare time; that by reason of concern over the complainant's allegations in Bondoc's column, he inquired from respondent Raval about the matter contained therein; and that at this point, he was approached by his colleague, Sotto, who explained to him that he engaged the services of respondent Raval in helping complainant execute the Affidavit dated 22 August 2001.

Respondent Angara also stated that respondent Raval is allowed under the law to engage in private practice, and that he has no control or supervision over the same; that respondent Raval's engagement by Sotto to assist the complainant in executing the Affidavit dated 22 August 2001 was not relayed to him; and that Sotto had, in fact, executed an Affidavit stating that:

- Senator Edgardo J. Angara has no knowledge of, much less participation in, the preparation of the affidavit of Mr. Sampana; neither does Senator Lacson; I never discussed the matter with anyone of them until Atty. Raval requested me, after the column of Mr. Jarius Bondoc came out in the Philippine Star on November 12, 2001, to clarify with them the matter of my engagement of the services of Atty. Raval for the taking of the affidavit of Mr. Sampana.

- Mr. Sampana offered to help and execute an affidavit; I accepted his offer, and there was no pressure exerted by me, by Atty. Raval or by anyone to admit to anything that Mr. Sampana did not disclose or admit of his own personal knowledge.

- I am executing this affidavit in connection with the disbarment case filed by Mr. Sampana with the Integrated Bar of the Philippines against Senator Angara and Atty. Raval, to prove the untruthfulness and lack of basis of the allegation of Mr. Sampana that he was "instructed, induced, cajoled and instigated" through monetary and other considerations' to execute his affidavit of August 22, 2001.[24]

Furthermore, respondent Angara posited that he does not personally know and has never met complainant, and that he has no knowledge or involvement in the preparation and execution of complainant's Affidavit dated 22 August 2001; and that the repeated mention of his name and references to the law firm he founded strongly demonstrate complainant's design to smear his good name and reputation.

Likewise, respondent Raval, in his Affidavit dated 26 November 2001,[25] and Answer dated 27 November 2001,[26] denied having instructed, induced, cajoled and instigated complainant to include false statements in his Affidavit dated 22 August 2001.

He explained that he is a Consultant to the Senate Office of respondent Angara with an additional assignment as Special Counsel to the Senate Committee on Constitutional Amendments, Revision of Codes and Laws; that he had the permission of respondent Angara to engage in the private practice of law; that on 22 August 2001, Sotto requested him to interview and to take the affidavit of a possible witness at the Business Center of WPP; that to facilitate the taking of affidavit, he asked complainant therein if he had already prepared anything in writing regarding the disclosures he wanted to make; that complainant presented a two-page typewritten document with the latter's handwritten corrections; and that he posed questions to complainant and the latter freely and voluntarily gave answers while the former's two lawyer-assistants, Lamorena and Virgino, dutifully and faithfully encoded the complainant's statement which constitutes his Affidavit dated 22 August 2001.

Respondent Raval also asseverated that the statements contained in the complainant's Affidavit dated 22 August 2001 were principally based on, if not totally identical to, the two-page document presented to him by complainant and the answers he gave in response to his questions; that the taking of the affidavit was done in the usual and regular course, and he did not coerce nor pressure complainant to give statements against his will; that from the Business Center of WPP, they proceeded to the Senate Lounge where they took their lunch and had the Affidavit dated 22 August 2001 notarized; that later on, Sotto joined them for lunch at the Lounge; that he and complainant gave the notarized Affidavit dated 22 August 2001 to Sotto; that after Sotto had left to proceed to the Senate Session Hall, he and his two assistants left the Senate Lounge to resume their duties in assisting respondent Angara in the plenary deliberations of the Senate; and that complainant had thanked them and left afterwards.

Respondent Raval claimed that Lamorena and Virgino are not, and have never been, connected with the ACCRA Law Office and that they did not represent themselves to complainant as lawyers from the ACCRA Law Office; that the allegations of complainant about respondent Angara's knowledge or participation in the preparation of the Affidavit dated 22 August 2001 are baseless and totally untrue; that respondent Angara was completely ignorant of what he had done to heed the request of Sotto; and that the allegation of complainant that he was "instructed, induced, cajoled, and instigated through monetary and/or other considerations to make false statements under oath," resulting in the execution of his Affidavit dated 22 August 2001, is baseless and totally untrue.

CBD Commissioner Dennis B. Funa (Funa) was in charge of the hearing of the complaint. After an exchange of pleadings and the filing of their respective Position Papers[27] by the parties, Funa finally rendered his Report and Recommendation dated 25 June 2002.[28] Funa recommended that the case against respondent Angara be

dismissed for insufficiency of evidence. On the other hand, he found respondent Raval guilty of violating the Code of Professional Responsibility and, thus, should be given the penalty of two years suspension. On 3 August 2002, the IBP Board of Governors (Board) issued a Resolution,[29] reversing and modifying the Report and Recommendation dated 25 June 2002, and dismissing the case against respondents Angara and Raval for lack of basis. On 2 September 2002, the Board, through Director for Bar Discipline Victor C. Fernandez, submitted a copy of its Resolution dated 3 August 2002 as well as the records of the instant case to this Court, pursuant to Rule 139-B of the 1997 Rules of Court.[30]

On 21 October 2002, complainant filed a Petition for Review[31] assailing the Resolution of the Board dated 3 August 2002 and praying that the same be reversed and set aside by this Court. Thereafter, on 20 November 2002 this Court issued a Resolution[32] which noted the Resolution of IBP-CBD dated 3 August 2002. On 13 January 2003, this Court, pursuant to the Petition for Review of complainant dated 21 October 2001, issued a Resolution[33] requiring respondents Angara and Raval to file their comments thereon. In compliance therewith, respondents Angara and Raval filed their separate Comment[34] on 10 March 2003. Subsequently, on 24 May 2004, complainant filed his Consolidated Reply[35] thereon.

Complainant, in his Petition for Review dated 21 October 2001, raise the following arguments for our consideration:

I.

THE HONORABLE BOARD MANIFESTLY ERRED AND HAS DEPARTED FROM THE USUAL COURSE OF ADJUDICATORY PROCEEDINGS WHEN IT RENDERED THE ASSAILED RESOLUTION NO. XV-2002-455 REVERSING AND MODIFYING THE REPORT AND RECOMMENDATION DATED 25 JUNE 2002 OF THE HONORABLE INVESTIGATING COMMISSIONER CONSIDERING THAT:

A) The Honorable Board did not State The Facts And The Reasons On Which It Based Its Resolution To Reverse And Modify The Report And Recommendation Dated 25 June 2002; And

B) The Undisputed Facts And Circumstances Of The Instant Case Clearly Establishes The Culpability Of Respondent Atty. Raval.

II.

THE HONORABLE BOARD AND THE HONORABLE INVESTIGATING COMMISSIONER MANIFESTLY ERRED AND HAS DEPARTED FROM THE USUAL COURSE OF ADJUDICATORY PROCEEDINGS WHEN THEY FAILED TO HOLD RESPONDENT ATTY. ANGARA LIABLE FOR ACTING IN CONSPIRACY WITH RESPONDENT ATTY. RAVAL, NOTWITHSTANDING THE CONCLUSIVE DETERMINATION MADE BY THE HONORABLE INVESTIGATING COMMISSIONER IN THE REPORT AND RECOMMENDATION DATED 25 JUNE 2002, THAT THE ALLEGATIONS OF THE PETITIONER WERE PRESENTED WITH "CANDOR" AND HIS SWORN STATEMENTS WERE "STRAIGHTFORWARD." [36]

Complainant asserts that the Board failed to comply with Rule 139-B, Section 12, paragraph (a), of the Rules of Court, when it issued the one-page Resolution dated 3 August 2002 without clearly and distinctly stating therein the facts and the reasons on which it is based. Thus, according to him, such resolution must be reversed and set aside by this Court.

The contention is without merit.

Rule 139-B, Section 12, paragraph (a), of the Rules, in Disbarment and Discipline of Attorneys states the procedure in the review by the Board of the report of the investigator/commissioner, and the manner by which its

decision is to be rendered, to wit:

SEC. 12. Review and decision by the Board of Governors. – (a) Every case heard by an investigator shall be reviewed by the IBP Board of Governors upon the record and evidence transmitted to it by the Investigator with his report. The decision of the Board upon such review shall be in writing and shall clearly and distinctly state the facts and the reasons on which it is based. It shall be promulgated within a period not exceeding thirty (30) days from the next meeting of the Board following the submittal of the Investigator's report.

The assailed Resolution of the Board dated 3 August 2002 reads:

NOTICE OF RESOLUTION

Sir/Madam:

Please take notice that on August 3, 2002 a resolution was passed by the Board of Governors of the Integrated Bar of the Philippines in the above-entitled case the original of which is now on file in this office, quote:

RESOLUTION NO. XV-2002-455

CBD Case No. 01-899

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Atty. Demaree B. Raval

RESOLVED to REVERSE and MODIFY, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution/Decision as Annex "A"; and, after a careful review, study and discussions, the case against Respondents is hereby DISMISSED for lack of basis.

JAIME M. VIBAR

National Secretary

N.B. President Teofilo S. Pilando, Jr. inhibits himself from discussion of the above-entitled case in as much as he personally knows the respondents, and in-fact, appointed Atty. Raval as Commissioner of the Bar Discipline. Be it noted that President Pilando steps out of the Board Room and did not participate on the proceedings.[37]

The Board's Resolution dated 3 August 2002[38] has sufficiently and substantially complied with the requirements of the law. A perusal of the assailed resolution would show that the Report and Recommendation of Commissioner Funa was made an integral part therein. In fact, it was attached thereto and referred to as Annex "A." This simply implies that the facts, issues, and evidences in the same report were incorporated by reference in the same resolution. It is significant to note that this procedure is a usual and regular course in the issuance of resolution and decision by the Board upon review of the report of Investigating Commissioner. This is judicially recognized and accepted. Furthermore, it must be emphasized that there is nothing that prevents the Board from adopting by reference the said report. Under Rule 139-B, Section 12, paragraph (a), of the Rules, the investigation and report of the Commissioner is always subject to review by the Board of Governors. Simply put, the findings of the Investigating Commissioner are merely recommendatory and it is the Board of Governors that will decide whether to affirm or reject, in whole or in part, the report of the Commissioner.

Moreover, it is stated in such resolution that the Board made a careful review, study and discussion of the instant case before dismissing the same. As indicated therein, the reason given by the Board in dismissing the instant case is lack of basis. Further, a note therein mentioned that the Board's President Teofilo S. Pilando, Jr. (Pilando), had inhibited himself from the discussion of the complaint and report in as much as he personally knows respondents

Angara and Raval, and, in fact, appointed respondent Raval as Commissioner of the Bar Discipline. It was also noted therein that Pilando stepped out of the Board Room and did not participate in the proceedings. Such circumstance shows that the Board conducted a proceeding wherein it deliberated and discussed the instant complaint before issuing the assailed resolution. Based on the foregoing, the resolution in dispute has established the facts and reason on which it is based. Hence, contrary to complainant's claim, the same resolution is legal and effective.

We shall now proceed to discuss and determine the allegations of complainant against respondents Raval and Angara, respectively.

Complainant claims that respondent Raval induced him to include false allegations in his Affidavit dated 22 August 2001. According to him, such act constitutes a violation of the Code of Professional Responsibility and, thus, warrants the imposition of the penalty of disbarment or suspension against respondent Raval.

We disagree.

According to respondent Raval, complainant was merely referred to him by then Senator Sotto, and he did nothing more but to assist complainant in executing an affidavit on the alleged involvement of some senators and other politicians in drug trafficking and other illegal activities. The statements in the affidavit were made by complainant freely and voluntarily.

The veracity of the foregoing claim of respondent Raval is attested to and supported by the affidavits[39] on record of Sotto, who referred complainant to respondent Raval, and of Lamorena and Vergino, who assisted respondent Raval in taking down the statements of the complainant and preparing his affidavit. On the other hand, the allegations of complainant against respondent Raval is supported only by his own affidavit dated 31 October 2001.[40] Rivero, whom complainant has referred to as his companion during the meeting with respondent Raval, is not shown to have executed any affidavit which supports the allegations of complainant against respondent Raval. Furthermore, it appears from the complainant's Affidavit dated 31 October 2001 that he admitted being involved in some shady deals wherein he agreed to "hit" or implicate some personalities and politicians in illegal activities in exchange for a lump sum of money.[41] This, to our mind, casts doubt on the credibility of complainant and his statements in the instant case.

Complainant argues that respondent Angara acted in conspiracy with respondent Raval in inducing him to include false statements in his Affidavit dated 22 August 2001. Thus, according to him, the penalty of disbarment or suspension should also be imposed against respondent Angara.[42]

We are not persuaded.

In his Affidavit dated 31 October 2001, complainant alleged the following as his bases for implicating respondent Angara with respondent Raval, to wit:

- Robert told me that the Angara-Lacson group would give me P1 million, plus "other benefits" including the printing and marketing of my book-in-progress. x x x
- Robert again later called me up and told me to meet him and the group of Senators Angara and Lacson on August 22, 2001 at the parking lot of Westin Philippine Plaza in Pasay City. x x x
- x x x There, Robert told me that the lawyers of Senator Angara will be arriving. Soon enough, Atty. Demaree Raval, and two lawyers-assistants, whom he referred to as Jhonas Lamorena (cell phone no. 0917-537-5871) and John Vergino and who identified themselves as ACCRA lawyers, arrived. x x x

x x x x

- After the call, Atty. Raval told me that Senator Angara had already given the go ahead to prepare my affidavit with whatever necessary additions and that I was supposed to be brought to him after we had finalized my affidavit.

x x x x

- x x x Atty. Raval then pointed at me as if to confirm my presence to the Senator. Senator Angara smiled and waved at me. x x x[43] (*Italics supplied.*)

It can be gleaned from the foregoing that much of complainant's allegations against respondent Angara relied on what had been told to him by Rivero and respondent Raval. No personal conversation, acquaintance or meeting ever took place between complainant and respondent Angara. Moreover, assuming that respondent Angara did give the "go ahead" to "prepare" complainant's affidavit, there was no competent evidence to show that respondent Angara had any part in the inclusion of false statements in the complainant's 22 August 2001 Affidavit. Also, the reference to "Angara-Lacson group" does not refer to respondent Angara himself. Obviously, the smiling and waving of hand of respondent Angara to complainant does not in any way indicate that he conspired with respondent Raval in inducing complainant to make false allegations. It can be observed that complainant based his conspiracy theory on respondent Angara's professional association with respondent Raval. This is not, however, sufficient to support complainant's averment of conspiracy. As we stated earlier, the culpability of Raval was not established. Moreover, mere companionship does not establish conspiracy.[44]

It is well-settled that conspiracy must be shown to exist as clearly and as convincingly as the commission of the offense itself.[45] Evidently, complainant failed to establish the existence of conspiracy between respondents Raval and Angara.

The power to disbar or suspend a lawyer should be used with utmost caution and only for serious reasons so as not to unjustly deprive him of his means of livelihood and distinct reputation in the society. It must be exercised only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court. In disbarment proceedings, the complainant has the burden of proving his case against respondent. In the case of *Angeles v. Figueroa*[46] we held:

It is settled that the power to disbar or suspend ought always to be exercised on the preservative and not on the vindictive principle, with great caution and only for the most weighty reasons. The burden of proof rests on the complainant and the case against the respondent must be established by clear, convincing and satisfactory proof. Thus, the adage that "he who asserts, not who denies, must prove."

Indeed, complainants are the ones who bear the burden of showing through satisfactory evidence the bases of their complaint. As explained by this Court in *Boyboy vs. Yabut, Jr.* [A.C. No. 5225, April 29, 2003, 401 SCRA 622]:

. . . [A] mere charge or allegation of wrongdoing does not suffice. Accusation is not synonymous with guilt. There must always be sufficient evidence to support the charge. This brings to the fore the application of the age-old but familiar rule that he who alleges must prove his allegations' [R]espondent' is not under obligation to prove his negative averment, much less to disprove what has not been proved by complainants. Thus, we have consistently held that if the complainant/plaintiff, upon whom rests the burden of proving his cause of action, fails to show in a satisfactory manner the facts upon which he bases his claim, the respondent/defendant is under no obligation to prove his exception or defense.

The reason for this rule is that:

The profession of an attorney is acquired after long and laborious study. It is a lifetime profession. By years of patience, zeal and ability, the attorney may be able to amass considerable means to support himself and his

family, besides the honor and prestige that accompany his office and profession. To deprive him of such honored station in life which would result in irreparable injury must require proof of the highest degree' While courts will not hesitate to mete out proper disciplinary punishment upon lawyers who fail to live up to their sworn duties they will, on the other hand, protect them from the unjust accusations of dissatisfied litigants. The success of a lawyer in his profession depends almost entirely on his reputation. Anything which will harm his good name is to be deplored. Private persons, and particularly disgruntled opponents, may not, therefore, be permitted to use the courts as vehicles through which to vent their rancor on members of the Bar.

Indeed, complainant in the instant case failed to establish with clear and convincing evidence the culpability of respondents Raval and Angara.

WHEREFORE, the petition for review is DENIED.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez and Callejo, Sr., JJ., concur.

[1] Rollo, pp. 1-9.

[2] Id. at 7.

[3] Id. at 12-21.

[4] Florencio Parena was a former Bulacan policeman and publisher of Luzon Pen. The Intelligence Service of the Armed Forces of the Philippines (ISAFP) investigated him and his alleged business associate and suspected drug lord, Alfredo Tiongco, as regards their involvement in drug trafficking, bribery of several politicians including some senators, and other illegal activities. In 1997, a Senate inquiry was conducted to determine the allegations that some senators then were receiving "protection money" from drug trafficking operators.

[5] Alfredo Tiongco is a businessman engaged in brokerage, trucking, trading and restaurant operations. The ISAFP questioned him and his alleged business associate, Florencio Parena, with regard to their involvement in drug trafficking and bribery of several government officials, including some senators, for the protection of his illegal activities. In 1997, a Senate inquiry was conducted to determine the allegations that some senators then were receiving "protection money" from drug trafficking operators.

[6] Rollo, p. 13.

[7] Id. at 14.

[8] Id.

[9] Id. at 15.

[10] Id.

[11] Id.

[12] Id.

[13] Id. at 16.

[14] Id. at 17.

[15] Id.

[16] Id.

[17] Id. at 18.

[18] Id.

[19] Id.

[20] Id. at 19.

[21] Id. at 20.

[22] Id. at 21.

[23] Id. at 43-54.

[24] Id at 69-70.

[25] Id. at 65-66.

[26] Id. at 60-64.

[27] Id. at 119-134, 136-153, 186-194.

[28] Id. at 199-226.

[29] Id. at 198.

[30] Id. at 197.

[31] Id at 228-259.

[32] Id. at 227.

[33] Id. at 356.

[34] Id. at 368-385 and 386-399.

[35] Id. at 414-423.

[36] Id. at 237-238.

[37] Id. at 198.

[38] Id.

[39] Id. at 69-73.

[40] Id. at 12-21.

[41] Id. at 14 and 18.

[42] Id. at 2.

[43] Id. at 16-18.

[44] *People of the Philippines v. Furugganan*, G.R. Nos. 90191-96, 28 January 1991, 193 SCRA 471, 481, citing *People v. Sosing*, 197 Phil. 344, 353 (1982).

[45] *Pecho v. People*, 331 Phil. 1, 17 (1996), citing *Perez v. Sandiganbayan*, G.R. Nos. 76203-04, 6 December

1989, 180 SCRA 9, 14.

[46] A.C. No. 5050, 20 September 2005, 470 SCRA 186, 195-196.

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