

JOVITO S. OLAZO, COMPLAINANT, VS. JUSTICE DANTE O. TINGA (RET.), RESPONDENT.

A.M. No. 10-5-7-SC. December 07, 2010

Ponente: BRION, J.

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BRION, J.:

Before us is the disbarment case against retired Supreme Court Associate Justice Dante O. Tinga (respondent) filed by Mr. Jovito S. Olazo (complainant). The respondent is charged of violating Rule 6.02,[1] Rule 6.03[2] and Rule 1.01[3] of the Code of Professional Responsibility for representing conflicting interests.

Factual Background

In March 1990, the complainant filed a sales application covering a parcel of land situated in Barangay Lower Bicutan in the Municipality of Taguig. The land (subject land) was previously part of Fort Andres Bonifacio that was segregated and declared open for disposition pursuant to Proclamation No. 2476,[4] issued on January 7, 1986, and Proclamation No. 172,[5] issued on October 16, 1987.

To implement Proclamation No. 172, Memorandum No. 119 was issued by then Executive Secretary Catalino Macaraig, creating a Committee on Awards whose duty was to study, evaluate, and make a recommendation on the applications to purchase the lands declared open for disposition. The Committee on Awards was headed by the Director of Lands and the respondent was one of the Committee members, in his official capacity as the Congressman of Taguig and Pateros (from 1987 to 1998); the respondent's district includes the areas covered by the proclamations.

The First Charge: Violation of Rule 6.02

In the complaint,[6] the complainant claimed that the respondent abused his position as Congressman and as a member of the Committee on Awards when he unduly interfered with the complainant's sales application because of his personal interest over the subject land. The complainant alleged that the respondent exerted undue pressure and influence over the complainant's father, Miguel P. Olazo, for the latter to contest the complainant's sales application and claim the subject land for himself. The complainant also alleged that the respondent prevailed upon Miguel Olazo to accept, on various dates, sums of money as payment of the latter's alleged rights over the subject land. The complainant further claimed that the respondent brokered the transfer of rights of the subject land between Miguel Olazo and Joseph Jeffrey Rodriguez, who is the nephew of the respondent's deceased wife.

As a result of the respondent's abuse of his official functions, the complainant's sales application was denied. The conveyance of rights to Joseph Jeffrey Rodriguez and his sales application were subsequently given due course by the Department of Environment and Natural Resources (DENR).

The Second Charge: Violation of Rule 6.03

The second charge involves another parcel of land within the proclaimed areas belonging to Manuel Olazo, the

complainant's brother. The complainant alleged that the respondent persuaded Miguel Olazo to direct Manuel to convey his rights over the land to Joseph Jeffrey Rodriguez. As a result of the respondent's promptings, the rights to the land were transferred to Joseph Jeffrey Rodriguez.

In addition, the complainant alleged that in May 1999, the respondent met with Manuel for the purpose of nullifying the conveyance of rights over the land to Joseph Jeffrey Rodriguez. The complainant claimed that the respondent wanted the rights over the land transferred to one Rolando Olazo, the Barangay Chairman of Hagonoy, Taguig. The respondent in this regard executed an "Assurance" where he stated that he was the lawyer of Ramon Lee and Joseph Jeffrey Rodriguez.

The Third Charge: Violation of Rule 1.01

The complainant alleged that the respondent engaged in unlawful conduct considering his knowledge that Joseph Jeffrey Rodriguez was not a qualified beneficiary under Memorandum No. 119. The complainant averred that Joseph Jeffrey Rodriguez is not a bona fide resident of the proclaimed areas and does not qualify for an award. Thus, the approval of his sales application by the Committee on Awards amounted to a violation of the objectives of Proclamation No. 172 and Memorandum No. 119.

The complainant also alleged that the respondent violated Section 7(b)(2) of the Code of Conduct and Ethical Standards for Public Officials and Employees or Republic Act (R.A.) No. 6713 since he engaged in the practice of law, within the one-year prohibition period, when he appeared as a lawyer for Ramon Lee and Joseph Jeffrey Rodriguez before the Committee on Awards.

In his Comment,[7] the respondent claimed that the present complaint is the third malicious charge filed against him by the complainant. The first one was submitted before the Judicial and Bar Council when he was nominated as an Associate Justice of the Supreme Court; the second complaint is now pending with the Office of the Ombudsman, for alleged violation of Section 3(e) and (i) of R.A. No. 3019, as amended.

With his own supporting documents, the respondent presented a different version of the antecedent events.

The respondent asserted that Miguel Olazo owned the rights over the subject land and he later conveyed these rights to Joseph Jeffrey Rodriguez. Miguel Olazo's rights over the subject land and the transfer of his rights to Joseph Jeffrey Rodriguez were duly recognized by the Secretary of the DENR before whom the conflict of rights over the subject land (between Miguel Olazo and Joseph Jeffrey Rodriguez, on one hand, and the complainant on the other hand) was brought. In its decision, the DENR found Joseph Jeffrey Rodriguez a qualified applicant, and his application over the subject land was given due course. The respondent emphasized that the DENR decision is now final and executory. It was affirmed by the Office of the President, by the Court of Appeals and by the Supreme Court.

The respondent also advanced the following defenses:

- (1) He denied the complainant's allegation that Miguel Olazo told him (complainant) that the respondent had been orchestrating to get the subject land. The respondent argued that this allegation was without corroboration and was debunked by the affidavits of Miguel Olazo and Francisca Olazo, the complainant's sister.
- (2) He denied the complainant's allegation that he offered the complainant P50,000.00 for the subject land and that he (the respondent) had exerted undue pressure and influence on Miguel Olazo to claim the rights over the subject land. The respondent also denied that he had an inordinate interest in the subject land.
- (3) He claimed that there was nothing wrong in signing as a witness in Miguel Olazo's affidavit where the latter asserted his rights over the subject land. The affidavit merely attested to the truth.

(4) He asserted that he and Miguel Olazo were cousins and that the latter decided to sell his rights over the subject land for the medical treatment of his heart condition and the illness of his daughter, Francisca Olazo. The respondent insisted that the money he extended to them was a form of loan.

(5) The respondent's participation in the transaction between Miguel Olazo and Joseph Jeffrey Rodriguez involved the payment of the loan that the respondent extended to Miguel Olazo.

(6) Manuel's belated and secondhand allegation in his Sinumpaang Salaysay, dated January 20, 2000, regarding what his father told him, cannot prevail over his earlier Sinumpaang Salaysay with Francisca Olazo, dated August 2, 1997. In the said Sinumpaang Salaysay, Manuel categorically asserted that his father Miguel Olazo, not the complainant, was the farmer-beneficiary. Manuel also expressed his agreement to the transfer of rights (Pagpapatibay Sa Paglilipat Ng Karapatan) in favor of Joseph Jeffrey Rodriguez, and the withdrawal of his father's application to give way to Joseph Jeffrey Rodriguez's application.

(7) The complainant's allegation that the respondent had pressured and influenced Miguel Olazo to sell the subject land was not sufficient as it was lacking in specificity and corroboration. The DENR decision was clear that the complainant had no rights over the subject land.

The respondent additionally denied violating Rule 1.01 of the Code of Professional Responsibility. He alleged that during his third term as Congressman from 1995 to 1997, the conflicting applications of the complainant, Miguel Olazo and Joseph Jeffrey Rodriguez were not included in the agenda for deliberation of the Committee on Awards. Rather, their conflicting claims and their respective supporting documents were before the Office of the Regional Director, NCR of the DENR. This office ruled over the conflicting claims only on August 2, 2000. This ruling became the basis of the decision of the Secretary of the DENR.

Similarly, the respondent cannot be held liable under Rule 6.02 of the Code of Professional Responsibility since the provision applies to lawyers in the government service who are allowed by law to engage in private law practice and to those who, though prohibited from engaging in the practice of law, have friends, former associates and relatives who are in the active practice of law.[8] In this regard, the respondent had already completed his third term in Congress and his stint in the Committee on Awards when he represented Joseph Jeffrey Rodriguez on May 24, 1999.

Lastly, the respondent claimed that he cannot be held liable under Rule 6.03 of the Code of Professional Responsibility since he did not intervene in the disposition of the conflicting applications of the complainant and Joseph Jeffrey Rodriguez because the applications were not submitted to the Committee on Awards when he was still a member.

The Court's Ruling

Generally, a lawyer who holds a government office may not be disciplined as a member of the Bar for misconduct in the discharge of his duties as a government official.[9] He may be disciplined by this Court as a member of the Bar only when his misconduct also constitutes a violation of his oath as a lawyer.[10]

The issue in this case calls for a determination of whether the respondent's actions constitute a breach of the standard ethical conduct - first, while the respondent was still an elective public official and a member of the Committee on Awards; and second, when he was no longer a public official, but a private lawyer who represented a client before the office he was previously connected with.

After a careful evaluation of the pleadings filed by both parties and their respective pieces of evidence, we resolve to dismiss the administrative complaint.

Accountability of a government lawyer in public office

Canon 6 of the Code of Professional Responsibility highlights the continuing standard of ethical conduct to be observed by government lawyers in the discharge of their official tasks. In addition to the standard of conduct laid down under R.A. No. 6713 for government employees, a lawyer in the government service is obliged to observe the standard of conduct under the Code of Professional Responsibility.

Since public office is a public trust, the ethical conduct demanded upon lawyers in the government service is more exacting than the standards for those in private practice. Lawyers in the government service are subject to constant public scrutiny under norms of public accountability. They also bear the heavy burden of having to put aside their private interest in favor of the interest of the public; their private activities should not interfere with the discharge of their official functions.[11]

The first charge involves a violation of Rule 6.02 of the Code of Professional Responsibility. It imposes the following restrictions in the conduct of a government lawyer:

A lawyer in the government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.

The above provision prohibits a lawyer from using his or her public position to: (1) promote private interests; (2) advance private interests; or (3) allow private interest to interfere with his or her public duties. We previously held that the restriction extends to all government lawyers who use their public offices to promote their private interests.[12]

In *Huyssen v. Gutierrez*,[13] we defined promotion of private interest to include soliciting gifts or anything of monetary value in any transaction requiring the approval of his or her office, or may be affected by the functions of his or her office. In *Ali v. Bubong*,[14] we recognized that private interest is not limited to direct interest, but extends to advancing the interest of relatives. We also ruled that private interest interferes with public duty when the respondent uses the office and his or her knowledge of the intricacies of the law to benefit relatives.[15]

In *Vitriolo v. Dasig*,[16] we found the act of the respondent (an official of the Commission on Higher Education) of extorting money from persons with applications or requests pending before her office to be a serious breach of Rule 6.02 of the Code of Professional Responsibility.[17] We reached the same conclusion in *Huyssen*, where we found the respondent (an employee of the Bureau of Immigration and Deportation) liable under Rule 6.02 of the Code of Professional Responsibility, based on the evidence showing that he demanded money from the complainant who had a pending application for visas before his office.[18]

Similarly, in *Igo v. Soriano*[19] we found the respondent (a Court Attorney of this Court) liable for violating Rule 6.02 of the Code of Professional Responsibility, after considering the evidence showing that he demanded and received money from the complainant who had a pending case before this Court.

Applying these legal precepts to the facts of the case, we find the absence of any concrete proof that the respondent abused his position as a Congressman and as a member of the Committee on Awards in the manner defined under Rule 6.02 of the Code of Professional Responsibility.

First, the records do not clearly show if the complainant's sales application was ever brought before the Committee on Awards. By the complaint's own account, the complainant filed a sales application in March 1990 before the Land Management Bureau. By 1996, the complainant's sales application was pending before the Office of the Regional Director, NCR of the DENR due to the conflicting claims of Miguel Olazo, and, subsequently, of Joseph Jeffrey Rodriguez. The records show that it was only on August 2, 2000 that the Office of the Regional Director, NCR of the DENR rendered its decision, or after the term of the respondent's elective public office and

membership to the Committee on Awards, which expired in 1997.

These circumstances do not show that the respondent did in any way promote, advance or use his private interests in the discharge of his official duties. To repeat, since the sales application was not brought before the Committee on Awards when the respondent was still a member, no sufficient basis exists to conclude that he used his position to obtain personal benefits. We note in this regard that the denial of the complainant's sales application over the subject land was made by the DENR, not by the Committee on Awards.

Second, the complainant's allegation that the respondent "orchestrated" the efforts to get the subject land does not specify how the orchestration was undertaken. What appears clear in the records is the uncorroborated Sinumpaang Salaysay of Miguel Olazo, dated May 25, 2003,[20] categorically stating that the respondent had no interest in the subject land, and neither was he a contracting party in the transfer of his rights over the subject land. In the absence of any specific charge, Olazo's disclaimer is the nearest relevant statement on the respondent's alleged participation, and we find it to be in the respondent's favor.

Third, the other documents executed by Miguel Olazo, that the complainant presented to support his claim that the respondent exerted undue pressure and influence over his father (namely: the letter, dated June 22, 1996, to the DENR Regional Director-NCR;[21] the Sinumpaang Salaysay dated July 12, 1996;[22] and the Sinumpaang Salaysay dated July 17, 1996[23]), do not contain any reference to the alleged pressure or force exerted by the respondent over Miguel Olazo. The documents merely showed that the respondent helped Miguel Olazo in having his farm lots (covered by the proclaimed areas) surveyed. They also showed that the respondent merely acted as a witness in the Sinumpaang Salaysay dated July 17, 1996. To our mind, there are neutral acts that may be rendered by one relative to another, and do not show how the respondent could have influenced the decision of Miguel Olazo to contest the complainant's sales application. At the same time, we cannot give any credit to the Sinumpaang Salaysay, dated January 20, 2000, of Manuel. They are not only hearsay but are contrary to what Miguel Olazo states on the record. We note that Manuel had no personal knowledge, other than what Miguel Olazo told him, of the force allegedly exerted by the respondent against Miguel Olazo.

In turn, the respondent was able to provide a satisfactory explanation - backed by corroborating evidence - of the nature of the transaction in which he gave the various sums of money to Miguel Olazo and Francisca Olazo in the year 1995. In her affidavits dated May 25, 2003[24] and July 21, 2010,[25] Francisca Olazo corroborated the respondent's claim that the sums of money he extended to her and Miguel Olazo were loans used for their medical treatment. Miguel Olazo, in his Sinumpaang Salaysay dated May 25, 2003, asserted that some of the money borrowed from the respondent was used for his medical treatment and hospitalization expenses.

The affidavit of Joseph Jeffrey Rodriguez further corroborated the respondent's claim that the latter's involvement was limited to being paid the loans he gave to Miguel Olazo and Francisca Olazo. According to Joseph Jeffrey Rodriguez, he and Miguel Olazo agreed that a portion of the loan would be directly paid by Joseph Jeffrey Rodriguez to the respondent and the amount paid would be considered as part of the purchase price of the subject land.[26]

It also bears stressing that a facial comparison of the documentary evidence, specifically the dates when the sums of money were extended by the respondent - on February 21, 1995, September 2, 1995 and October 17, 1995, and the date when the Deed of Conveyance[27] over the subject land was executed or on October 25, 1995, showed that the sums of money were extended prior to the transfer of rights over the subject land. These pieces of evidence are consistent with the respondent's allegation that Miguel Olazo decided to sell his rights over the subject land to pay the loans he obtained from the respondent and, also, to finance his continuing medical treatment.

Private practice of law after separation from public office

As proof that the respondent was engaged in an unauthorized practice of law after his separation from the government service, the complainant presented the Sinumpaang Salaysay, dated January 20, 2000, of Manuel and the document entitled "Assurance" where the respondent legally represented Ramon Lee and Joseph Jeffrey Rodriguez. Nevertheless, the foregoing pieces of evidence fail to persuade us to conclude that there was a violation of Rule 6.03 of the Code of Professional Responsibility.

In *Cayetano v. Monsod*,^[28] we defined the practice of law as any activity, in and out of court, that requires the application of law, legal procedure, knowledge, training and experience. Moreover, we ruled that to engage in the practice of law is to perform those acts which are characteristics of the profession; to practice law is to give notice or render any kind of service, which device or service requires the use in any degree of legal knowledge or skill.

Under the circumstances, the foregoing definition should be correlated with R.A. No. 6713 and Rule 6.03 of the Code of Professional Responsibility which impose certain restrictions on government lawyers to engage in private practice after their separation from the service.

Section 7(b)(2) of R.A. No. 6713 reads:

Section 7. Prohibited Acts and Transactions. -- In addition to acts and

omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

x x x x

(b) Outside employment and other activities related thereto. - Public officials and employees during their incumbency shall not:

x x x x

(2) Engage in the private practice of their profession unless authorized by the Constitution or law, provided, that such practice will not conflict or tend to conflict with their official functions; x x x

These prohibitions shall continue to apply for a period of one (1) year after resignation, retirement, or separation from public office, except in the case of subparagraph (b) (2) above, but the professional concerned cannot practice his profession in connection with any matter before the office he used to be with, in which case the one-year prohibition shall likewise apply.

As a rule, government lawyers are not allowed to engage in the private practice of their profession during their incumbency.^[29] By way of exception, a government lawyer can engage in the practice of his or her profession under the following conditions: first, the private practice is authorized by the Constitution or by the law; and second, the practice will not conflict or tend to conflict with his or her official functions.^[30] The last paragraph of Section 7 provides an exception to the exception. In case of lawyers separated from the government service who are covered under subparagraph (b) (2) of Section 7 of R.A. No. 6713, a one-year prohibition is imposed to practice law in connection with any matter before the office he used to be with.

Rule 6.03 of the Code of Professional Responsibility echoes this restriction and prohibits lawyers, after leaving the government service, to accept engagement or employment in connection with any matter in which he had intervened while in the said service. The keyword in Rule 6.03 of the Code of Professional Responsibility is the term "intervene" which we previously interpreted to include an act of a person who has the power to influence the proceedings.^[31] Otherwise stated, to fall within the ambit of Rule 6.03 of the Code of Professional

Responsibility, the respondent must have accepted engagement or employment in a matter which, by virtue of his public office, he had previously exercised power to influence the outcome of the proceedings.

As the records show, no evidence exists showing that the respondent previously interfered with the sales application covering Manuel's land when the former was still a member of the Committee on Awards. The complainant, too, failed to sufficiently establish that the respondent was engaged in the practice of law. At face value, the legal service rendered by the respondent was limited only in the preparation of a single document. In *Borja, Sr. v. Sulyap, Inc.*,^[32] we specifically described private practice of law as one that contemplates a succession of acts of the same nature habitually or customarily holding one's self to the public as a lawyer.

In any event, even granting that respondent's act fell within the definition of practice of law, the available pieces of evidence are insufficient to show that the legal representation was made before the Committee on Awards, or that the Assurance was intended to be presented before it. These are matters for the complainant to prove and we cannot consider any uncertainty in this regard against the respondent's favor.

Violation of Rule 1.01

Rule 1.01 prohibits a lawyer from engaging in unlawful, immoral or deceitful conduct. From the above discussion, we already struck down the complainant's allegation that respondent engaged in an unauthorized practice of law when he appeared as a lawyer for Ramon Lee and Joseph Jeffrey Rodriguez before the Committee on Awards.

We find that a similar treatment should be given to the complainant's claim that the respondent violated paragraph 4(1)^[33] of Memorandum No. 119 when he encouraged the sales application of Joseph Jeffrey Rodriguez despite his knowledge that his nephew was not a qualified applicant. The matter of Joseph Jeffrey Rodriguez's qualifications to apply for a sales application over lots covered by the proclaimed areas has been resolved in the affirmative by the Secretary of the DENR in the decision dated April 3, 2004,^[34] when the DENR gave due course to his sales application over the subject land. We are, at this point, bound by this finding.

As pointed out by the respondent, the DENR decision was affirmed by the Office of the President, the Court of Appeals^[35] and, finally, the Court, per our Minute Resolution, dated October 11, 2006, in G.R. No. 173453. In our Resolution, we dismissed the petition for review on certiorari filed by the complainant after finding, among others, that no reversible error was committed by the Court of Appeals in its decision.^[36]

All told, considering the serious consequences of the penalty of disbarment or suspension of a member of the Bar, the burden rests on the complainant to present clear, convincing and satisfactory proof for the Court to exercise its disciplinary powers.^[37] The respondent generally is under no obligation to prove his/her defense,^[38] until the burden shifts to him/her because of what the complainant has proven. Where no case has in the first place been proven, nothing has to be rebutted in defense.^[39]

With this in mind, we resolve to dismiss the administrative case against the respondent for the complainant's failure to prove by clear and convincing evidence that the former committed unethical infractions warranting the exercise of the Court's disciplinary power.

WHEREFORE, premises considered, we DISMISS the administrative case for violation of Rule 6.02, Rule 6.03 and Rule 1.01 of the Code of Professional Responsibility, filed against retired Supreme Court Associate Justice Dante O. Tinga, for lack of merit.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, and Sereno, JJ., concur.

[*]Velasco, Jr., J., on official leave.

[*] On official leave, per Special Order No. 916 dated November 24, 2010.

[1] A lawyer in the government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.

[2] A lawyer shall not, after leaving government service, accept engagement or employment in connection with any matter in which he had intervened while in said service.

[3] A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

[4] Excluding from the Operation of Proclamation No. 423 dated July 12, 1957, which Established the Military Reservation known as Fort William Mckinley (now Fort Andres Bonifacio), situated in the Municipalities of Pasig-Taguig and Parañaque, Province of Rizal, and Pasay City (now of Metropolitan Manila), a certain portion of land embraced therein known as Barangays Lower Bicutan, Upper Bicutan and Signal Village situated in the Municipality of Taguig, Metropolitan Manila, and Declaring the Same Open for Disposition under the Provisions of Republic Act Nos. 274 and 730.

[5] Excluding from the Operation of Proclamation No. 423 dated July 12, 1957, which Established the Military Reservation known as Fort William Mckinley (now Fort Andres Bonifacio) situated in the Municipalities of Pasig, Taguig, Pateros and Parañaque, Province of Rizal and Pasay City (now Metropolitan Manila), as amended by Proclamation No. 2476 dated January 7, 1986, certain portions of land embraced therein known as Barangays Lower Bicutan, Upper Bicutan, Western Bicutan and Signal Village situated in the Municipality of Taguig, Metropolitan Manila and Declaring the Same Open for Disposition under the Provisions of Republic Act No. 274 and Republic Act No. 730 in relation to the Provisions of the Public Land Act, as amended; and Providing the Implementing Guidelines.

[6] Complaint, pp. 1-7.

[7] Comment, pp. 1-15.

[8] Citing Agpalo, Ruben, Comments On The Code Of Professional Responsibility And The Code of Judicial Conduct, p. 51.

[9] Vitriolo v. Dasig, A.C. No. 4984, April 1, 2003, 400 SCRA 172, 178.

[10] Ibid.

[11] Agpalo, Legal and Judicial Ethics (2002 edition), p. 88.

[12] Chan v. Go, A.C. No. 7547, September 4, 2009, 598 SCRA 145, 155.

[13] A.C. No. 6707, March 24, 2006, 485 SCRA 244, 258.

[14] A.C. No. 4018, March 8, 2005, 453 SCRA 1, 14.

[15] Ibid.

[16] Supra note 9, at 179.

[17] Ibid.

[18] Supra note 13, at 257-258.

[19] A.M. No. 2001-9-SC, October 11, 2001, 367 SCRA 70, 79 and 81.

[20] Annex "9" of Comment.

[21] Annex "F" of the Complaint-Affidavit.

[22] Annex "G" of the Complaint-Affidavit.

[23] Annex "H" of the Complaint-Affidavit.

[24] Annex "C" of the Comment.

[25] Annex "7" of the Comment.

[26] Annex "11" of the Comment.

[27] Annex "O" of the Complaint-Affidavit.

[28] G.R. No. 100113, September 3, 1991, 201 SCRA 210, 214.

[29] Query of Atty. Karen M. Silverio-Buffe, Former Clerk of Court - Branch 81, Romblon, Romblon - On the Prohibition from Engaging in the Private Practice of Law, A.M. No. 08-6-352-RTC, August 19, 2009, 596 SCRA 378, 390.

[30] Id. at 390-391.

[31] Presidential Commission on Good Government v. Sandiganbayan, G.R. Nos. 151809-12, April 12, 2005, 455 SCRA 526, 579.

[32] G.R. No. 150718, March 26, 2003, 399 SCRA 601, 610.

[33] Rollo, p. 3.

[34] Annex "8" of the Comment.

[35] Decision dated January 19, 2006 in CA-G.R. SP No. 89931, entitled "Jovito Olazo v. Jeffrey Bernardo Rodriguez; Annex "16" of the Comment.

[36] Annex "17" of the Comment.

[37] Berbano v. Barcelano, A.C. No. 6084, September 3, 2003, 410 SCRA 258, 264-265.

[38] Boyboy v. Yabut, Jr., A.C. No. 5225, April 29, 2003, 401 SCRA 622, 628.

[39] Borromeo-Garcia v. Pagayatan, A.M. No. RTJ-08-2127, September 25, 2008, 566 SCRA 320, 329.

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