



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **24 August 2020** which reads as follows:*

**“A.C. No. 8547 (*Eduardo S. Ramos v. Attys. Ranulfo BA. Dacalos and Romualdo C. de los Santos*)** – For resolution is the complaint for disbarment<sup>1</sup> filed by petitioner Eduardo S. Ramos (Eduardo) against respondents Attorneys Ranulfo BA. Dacalos (Atty. Dacalos) and Romualdo C. de los Santos (Atty. de los Santos) for gross misconduct and violation of the Lawyer’s Oath and the Code of Professional Responsibility.<sup>2</sup>

The undisputed facts are as follows.

On January 21, 2010, Eduardo’s brother Felino Ramos (Felino) was driving along G. Araneta Extension, N. Domingo Street, San Juan City, when he was apprehended by PO1 Pepito Lopiga (PO1 Lopiga) for a counterflow violation.<sup>3</sup> Felino’s license was confiscated, prompting him to file a complaint for unlawful confiscation of his license and extortion against PO1 Lopiga before the Adjudication Board of the Traffic and Parking Management Office of San Juan City.<sup>4</sup>

On February 2, 2010, Eduardo accompanied his brother Felino in the hearing before the Adjudication Board where Attys. Dacalos and de los Santos sat as Chairman and Member, respectively.<sup>5</sup> During the hearing, respondents asked Felino questions relating to his years of experience as a driver, his

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<sup>1</sup> *Rollo*, pp. 1-6.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 7.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 1.

understanding of a counterflow violation, and his exact location when he was apprehended by PO1 Lopiga.<sup>6</sup>

According to Eduardo, respondents conducted the hearing in an oppressive manner and without due regard to his being a Colonel of the Armed Forces of the Philippines (AFP) and a senior citizen.<sup>7</sup> *First*, Atty. Dacalos loudly interrogated Felino, who was unlettered.<sup>8</sup> *Second*, respondents arrogantly denied Eduardo's request to speak on Felino's behalf.<sup>9</sup> *Third*, respondents assertively forced him and Felino out of the office.<sup>10</sup> Thus, Eduardo filed a complaint for disbarment against respondents, with Felino's *Sinumpaang Salaysay*<sup>11</sup> attached thereto.

Respondents denied Eduardo's claim that they conducted the hearing in a despotic, arrogant and oppressive manner.<sup>12</sup> According to them, they had no

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<sup>6</sup> *Id.* at 1-2.

<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.* at 1-2. The complaint states:

"5. As we entered the office, I greeted the two respondents and I introduced myself and my brother: 'Good afternoon! I am COLONEL EDUARDO S. RAMOS and he is my brother, FELINO S. RAMOS, the complainant.'

6. As Chairman of the Board, respondent Dacalos commenced his interrogation in an *unusually loud voice*: 'Sino? Sino ang driver?'

7. My brother stood up and replied: 'Ako po.'

8. Dacalos asked: 'Gaano katagal ka na nagmamaneho?'

9. Felino answered: 'Matagal na po.'

10. 'Ang ibig kong sabihin ilan taon na!' Dacalos continued.

11. 'Mahigit dalawampung taon na po', replied Felino.

12. Dacalos: 'Naiintindihan mo ba ang counter flow?'

13. Felino: 'Di po ako nag-counter flow. Nakahinto po lahat ang sasakyan noon dahil sa stop light. Walang tumatakpong sasakyan sa kabilang kalsada. Kaya wala pong counter flow. Pinaabante ako ng isang traffic aide doon sa lugar. Kaya umabante lang ako.'

14. Dacalos: 'Saan ka noon?'

15. Felino: 'Nasa kanan, po.'

16. At this juncture, PO1 Lopiga interrupted: 'Sa kaliwa!'

17. Respondent Dacalos continued: 'Alam mo tama ang pulis namin! Ikaw! Mayroon ka bang dalang witness na magpapatunay na nasa kanan ka?'

18. Dacalos then asserted: 'Alam mo bang pwedeng guntingin na lang ng pulis yong lisensiya mo! Wala kang naman ebidensiyang kinuha ng pulis yong lisensiya mo!''

<sup>9</sup> *Id.* at 3.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at -9.

<sup>12</sup> *Id.* at 16-68.

motive and reason to act that way and it was actually Eduardo who caused the disturbance during and immediately after the hearing.<sup>13</sup>

According to respondents, during the hearing, they asked clarificatory questions to Felino as they normally did in traffic violation cases.<sup>14</sup> However, Eduardo interrupted the questioning and tried to answer on behalf of his brother.<sup>15</sup> As respondents wanted to hear directly from Felino, they refused Eduardo's request to speak.<sup>16</sup> When Eduardo persisted, they asked if Eduardo was Felino's lawyer because they were previously informed by Sandra Bantiling (Bantiling; assistant to the Adjudication Board) that he was a lawyer.<sup>17</sup> However, Eduardo answered that he was a Colonel of the AFP and that he had finished fourth year of Bachelor of Laws. He then insisted that his brother not be questioned and instructed Felino to walk out of the office.<sup>18</sup> Thus, it was Eduardo who caused the disturbance and not them.<sup>19</sup>

In support of their allegations, respondents attached to their respective Comments<sup>20</sup> the affidavits of Bantiling<sup>21</sup> and PO1 Lopiga<sup>22</sup> who were present during the hearing, and Eduvinia Mabulac (Mabulac)<sup>23</sup> and Renato Vasquez (Vasquez),<sup>24</sup> who both heard Eduardo's misrepresentation to Bantiling as a lawyer.

On August 25, 2010, We referred the complaint for disbarment to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.<sup>25</sup>

*Report and Recommendation of the IBP:*

On February 5, 2014, Commissioner Maria Editha A. Go-Binas (Comissioner Go-Binas) recommended the dismissal of the complaint for lack of merit.<sup>26</sup> She noted in her Report and Recommendation that Eduardo's attitude from the start of the hearing up to its end showed that he tried to "push his weight around" because of his military rank.<sup>27</sup> This is shown by the fact that even before the hearing, he introduced himself to Bantiling as a Colonel and as

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<sup>13</sup> *Id.* at 24, 26, 50.

<sup>14</sup> *Id.* at 46.

<sup>15</sup> *Id.* at 46-47.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 22, 25, 49.

<sup>18</sup> *Id.* at 22, 49.

<sup>19</sup> *Id.* at 26, 50.

<sup>20</sup> *Id.* at 16-41, 42-68.

<sup>21</sup> *Id.* at 29-32.

<sup>22</sup> *Id.* at 33-35.

<sup>23</sup> *Id.* at 36-37.

<sup>24</sup> *Id.* at 38-39.

<sup>25</sup> *Id.* at 102.

<sup>26</sup> Report and Recommendation dated February 5, 2014; *id.*, unpaginated.

<sup>27</sup> *Id.*

a lawyer.<sup>28</sup> During the hearing, he again emphasized that he was a Colonel and that he had finished fourth year of Bachelor of Laws.<sup>29</sup> It was clear, therefore, that Eduardo expected the Adjudication Board to act favorably because of his Colonel rank.<sup>30</sup>

Further, Commissioner Go-Binas noted that Eduardo became agitated during the hearing when his brother Felino was asked questions, which to him appeared to be part of an interrogation.<sup>31</sup> He failed to appreciate that the questions were clarificatory in nature and were not intended to humiliate Felino.<sup>32</sup> And because Eduardo was the one who caused disturbance by shouting, he was the one who humiliated himself and not the respondents.<sup>33</sup>

In fine, Commissioner Go-Binas found that Eduardo was not able to show clearly and convincingly the gross misconduct of respondents and their supposed violation of the Lawyer's Oath and the Code of Professional Responsibility (CPR). Thus, she recommended the dismissal of the complaint.<sup>34</sup>

On September 27, 2014, the IBP adopted and approved Commissioner Go-Binas' Report and Recommendation.<sup>35</sup> It denied Eduardo's Motion for Reconsideration on June 5, 2015.<sup>36</sup>

On December 8, 2015, Eduardo filed a Petition for Review<sup>37</sup> (Petition), assailing the September 27, 2014 and June 5, 2015 resolutions of the IBP.<sup>38</sup> In the Petition, Eduardo argued that Commissioner Go-Binas' Report and Recommendation totally ignored the evidence he presented. According to him, Felino's and his testimonies established respondents' violation of Article 208 of the Revised Penal Code on dereliction of duty, Section 1, Article XI of the 1987 Constitution, Section 4 of the Code of Conduct and Ethical Standards for Public Officials and Employees, Article 19 of the Civil Code, the Lawyer's Oath, and the CPR.<sup>39</sup>

On June 6, 2016, We referred Eduardo's Petition to the Office of the Bar Confidant (OBC) for evaluation, report and recommendation.<sup>40</sup>

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Resolution dated September 27, 2014; *id.*, unpaginated.

<sup>36</sup> Resolution dated June 5, 2015; *id.*, unpaginated.

<sup>37</sup> Petition for Review; *id.*, unpaginated.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Notice dated June 6, 2016; *id.*, unpaginated.

*Report and Recommendation of the OBC:*

On July 22, 2019, the OBC recommended the dismissal of the complaint for lack of merit.<sup>41</sup> It found that Eduardo was unable to prove his allegations in the complaint.<sup>42</sup> In recommending the dismissal, the OBC relied on the affidavits of Bantiling, PO2 Lopiga, Mabulac and Vasquez, who all testified as to Eduardo's unruly behavior.<sup>43</sup>

**The Court's Ruling**

The Court adopts the findings and approves the recommendation of the OBC and the IBP to dismiss the complaint.

In disbarment cases, the burden of proof rests on the complainant.<sup>44</sup> The Court will only exercise its disciplinary powers when the case against the respondent is established by clear, convincing and satisfactory proof.<sup>45</sup> Considering the serious consequence of disbarment, this Court has consistently held that substantial evidence is required to sustain a finding of administrative culpability.<sup>46</sup>

Here, Eduardo failed to prove by substantial evidence that respondents committed gross misconduct and violated the Lawyer's Oath and the CPR. On the contrary, the records show that it was Eduardo who caused the disturbance after it appeared to him that his brother was being interrogated by the respondents and after they refused him to answer on his brother's behalf.

*First*, the questions asked by respondents to Felino were merely clarificatory in nature. It is undisputed that these questions relate to Felino's years of experience as a driver, his understanding of a counterflow violation, and his exact location when he was apprehended by PO1 Lopiga. Clearly, these were ordinary questions asked in administrative proceedings, especially in traffic violation cases. It was understandable that respondents asked these questions considering that Felino's complaint involved the confiscation of his license due to a counterflow violation.

*Second*, there was nothing wrong with respondents' refusal to hear Eduardo. Since Felino was the complainant, it was natural for respondents to question him and not his brother Eduardo, who was not even in the vehicle when Felino was apprehended. Felino's being unlettered did not incapacitate

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<sup>41</sup> Report and Recommendation dated July 22, 2019; *id.*, unpaginated.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Francia v. Atty. Abdon*, 739 Phil. 299, 308 (2014).

<sup>45</sup> *Id.*

<sup>46</sup> *Ignacio v. Atty. Cabantac*, A.C. No. 12675, February 5, 2020.

him to answer respondents' clarificatory questions. Thus, respondents were not barred from refusing Eduardo's request to speak on behalf of his brother.

*Third*, as to Eduardo's claim that respondents assertively forced him and Felino out of the office, We find the testimonies of Bantiling, PO1 Lopiga, and the respondents to be more credible. They all positively stated that Eduardo instructed his brother Felino to walk out. More likely, when Eduardo was refused to be heard by respondents despite his repeated invocation of his Colonel rank, he was heavily disappointed and walked out. We find this to be more probable under the circumstances.

In sum, Eduardo failed to discharge his burden to prove that respondents committed gross misconduct and violated the Lawyer's Oath and the CPR.

Indeed, the power to disbar must be exercised with great caution, and may be imposed only in a clear case of misconduct that seriously affects the standing and the character of the lawyer as an officer of the Court and as a member of the bar.<sup>47</sup> There is no such clear case here.

**WHEREFORE**, the complaint for disbarment against Attys. Ranulfo BA. Dacalos and Romualdo C. de los Santos is **DISMISSED** for lack of merit. Let this case be considered **CLOSED** and **TERMINATED**.

**SO ORDERED.**" (Baltazar-Padilla, *J.*, on official leave.)

By authority of the Court.

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court

09 SEP 2020

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<sup>47</sup> *Lazarte v. Atty. Urbina*, A.C. No. 12479, June 3, 2019.

EDUARDO S. RAMOS (reg)  
Complainant  
821 Sto. Cristo St.  
Binondo, Manila

ATTY. RANULFO DACALOS (reg)  
ATTY. ROMUALDO C. DE LOS SANTOS (reg)  
Respondents  
c/o San Juan City Hall  
San Juan City, Metro Manila

INTEGRATED BAR OF THE PHILIPPINES (reg)  
Doña Julia Vargas Avenue  
Ortigas Center, 1605 Pasig City

THE BAR CONFIDANT (x)  
Supreme Court, Manila

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Supreme Court, Manila

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