

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated January 8, 2020 which reads as follows:

“A.C. No. 8764 (*Elvira C. Anacin, et al. v. Atty. Herminigildo L. Salonga*). – Before Us is an administrative complaint for disbarment filed by complainants Elvira C. Anacin, Haidee C. Bilog, Sally Camillon, Ceferina V. Cantada, Erlinda Cariño, Evelyn R. Cayetano, Fe Deleon, Marilyn L. Despuig, Ricardo C. Jose, Florita Malawig, Julie N. Mediona, Victoria Paine, Fe O. Sore, Nida Tangbaoan, Ma. Noranda F. Tarlit, Nanita B. Tuyay, Emily Vasquez, Tessie A. Villamor, Mariquita L. Villarosa, Ana Coritha M. Rosales, Milagros Emaas, and Clarita M. Estrella against respondent Atty. Herminigildo L. Salonga.

The instant complaint for disbarment stemmed from an illegal dismissal case filed by United Labor Organization, represented by its President, Ricardo Jose, on behalf of the complainants, against Travel Wear, Inc. and Benjamin Santos as its President. Complainants alleged that they were employees of Travel Wear, Inc. and that Benjamin Santos was known to them to be their employer and the President and owner of Travel Wear, Inc.

On May 27, 1997, the Labor Arbiter (*LA*) ruled that complainants’ dismissal is illegal.¹ The *LA* found Benjamin Santos, together with Travel Wear Inc., guilty of Unfair Labor Practice and, thus, liable to pay complainants their monetary claims. On appeal to the National Labor Relations Commission (*NLRC*), the Commission reversed the Labor Arbiter’s finding and exonerated Santos from any

¹ Rollo, p. 27.

liability. It noted that Benjamin Santos was not the owner of the company and, hence, cannot be held liable as the employer of complainants. Feeling aggrieved, complainants appealed to the Court of Appeals (CA). The CA ruled that the final and executory monetary awards may be enforced against the corporation through its corporate officers, the respondent being one of those mentioned.²

Subsequently, the complainants filed the instant administrative complaint against Atty. Salonga.

Upon assiduous scrutiny of the records of the case, We resolve to dismiss the instant complaint against Atty. Salonga for lack of *prima facie* case to warrant the penalty of disbarment against him.

The Court has repeatedly stressed that in administrative complaints for disbarment and suspension against lawyers, the required quantum of proof is clear and preponderant evidence.³ Preponderance of evidence means evidence which is of greater weight, or more convincing than that which is offered in opposition to it.⁴ The *onus probandi* lies on the complainant, who is duty-bound to prove the veracity of the allegations in his complaint by a preponderance of evidence.

In the instant case, the complainants miserably failed to discharge the burden.

A perusal of the complaint would show that the principal relief prayed for by the complainants is the enforcement of the money judgment against respondent. The complainants merely alleged that respondent is held liable by the court in the labor case between them and that despite their efforts to seek enforcement and satisfaction of their monetary claims, they cannot get in touch with the respondent. However, the mere fact that respondent is held liable in the labor case does not necessarily mean that administrative liability can automatically be ascribed against him. Bare allegations of misconduct cannot prevail over the presumption of regularity accorded to the lawyers as members of the Bar.

² *Id.* at 31.

³ *Cruz v. Atty. Centron*, 484 Phil. 671, 675 (2004).

⁴ *Rivera v. Court of Appeals, et al.*, 348 Phil. 734, 742 (1998).

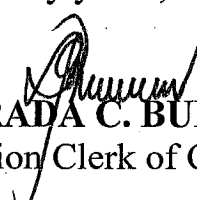
Indubitably, complainants failed to produce clear and convincing evidentiary support to reverse the presumption of regularity accorded to Atty. Salonga as a member of the Bar. Absent any showing that the respondent acted in any manner that would render him as unfit to the practice of law and unable to hold the office of an attorney, the instant complaint must fail.

Time and again, this Court has held that “it will not hesitate to mete out proper disciplinary punishment upon lawyers who are shown to have failed to live up to their sworn duties, but neither will it hesitate to extend its protective arm to them when the accusation against them is not indubitably proven.”⁵

WHEREFORE, the Court **DISMISSES** the instant administrative case against Atty. Herminigildo L. Salonga for lack of merit.

SO ORDERED.” Lopez, J., on official leave.

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *libc*

172

Elvira C. Anacin, et al.
Complainants
c/o Travel Wear Inc.
Golden Acres Subdivision
Talon 5, 1740 Las Piñas City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M. No. 12-7-1-SC)

UR

Atty. Herminigildo L. Salonga
Respondent
3243 Unit 6, Salud Apartment
Novaliches Street corner Zapote
1200 Makati City

The Bar Confidant (x)
Supreme Court

Integrated Bar of the Philippines
Doña Julia Vargas Avenue
Ortigas Center, 1605 Pasig City



⁵ Atty. Guanzon v. Atty. Dojillo, A.C. No. 9850, August 6, 2018.