



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ELIZA ARMILLA-CALDERON, A.C. No. 10619

Complainant,

Present:

PERLAS-BERNABE, S.A.J.,

Chairperson,

HERNANDO,

INTING,

DELOS SANTOS, and

BALTAZAR-PADILLA,* JJ.

- versus -

Promulgated:

ATTY. ARNEL L. LAPORE,

Respondent.

02 SEP 2020

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RESOLUTION

INTING, J.:

As a rule, an attorney enjoys the legal presumption that he is innocent of the charges against him until the contrary is proved. The burden of proof in disbarment and suspension proceedings always rests on the complainant. Considering the serious consequence of disbarment or suspension of a member of the Bar, this Court has consistently held that clear preponderant evidence is necessary to justify the imposition of administrative penalty. The burden is obviously not satisfied when complainant relies on mere assumptions and suspicions as evidence.¹

Before the Court is a Complaint² for disbarment filed with the Office of the Bar Confidant by Eliza Armilla-Calderon (complainant) against Atty. Arnel L. Lapore (Atty. Lapore).

* On leave.

¹ See *Atty. Guanzon v. Atty. Dojillo*, A.C. No. 9850, August 6, 2018, citing *Atty. De Jesus v. Atty. Risos-Vidal*, 730 Phil. 47, 53 (2014).

² *Rollo*, pp. 1-8.

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Complainant is the registered owner of a lot located in Brgy. IV, Sipalay City, Negros Occidental, covered by Original Certificate of Title No. P-14240 (Sipalay lot). In 2014, she received information that the Sipalay lot was bought by her niece, Charity Reinwald (Charity), who is married to a Swiss national. On June 20, 2014, when complainant went home, Charity confirmed that she bought the lot from Julieta Armilla (Julieta), complainant's mother, and that it was their family lawyer, Atty. Lapore, who facilitated the transaction.³

According to complainant, the transaction was attended by fraud as her signature in the Deed of Absolute Sale⁴ dated August 8, 2012 was forged. She cannot personally sign the document since she was in San Mateo, Rizal. She further claimed that Atty. Lapore falsified another Deed of Absolute Sale⁵ dated December 10, 2013⁶ to make it appear that her mother sold the Sipalay lot to Charity. She suggested that Atty. Lapore took advantage of her absence and abused her trust. He exploited her aged mother and her dying father, Eliseo Armilla (Eliseo), in convincing them to sell the subject property.⁷

In response, Atty. Lapore averred that the present complaint was a replica of a complaint docketed as Civil Case No. 2033 filed with Branch 61, Regional Trial Court, Kabankalan City. He clarified that complainant was never the owner of the Sipalay lot but merely a trustee thereof. He narrated that complainant was not a natural child of spouses Julieta and Eliseo, but they sent her to school and cared for her as their daughter. Later, she abandoned her two children under the care of the spouses.⁸

Atty. Lapore admitted that it was him who convinced the complainant to return the property to Julieta. Through a Deed of Absolute Sale, she freely signed and consented to convey the property to her mother in exchange for the latter's sacrifices, money, and effort in rearing for complainant's children. The Deed of Absolute Sale was notarized on August 8, 2012 after complainant visited him in his office.⁹

³ *Id.* at 270.

⁴ *Id.* at 17-18.

⁵ *Id.* at 19-21.

⁶ *Id.* at 5, 271. The Deed of Absolute Sale is dated December 10, 2012 in the Extended Resolution of the Integrated Bar of the Philippines-Board of Governors.

⁷ *Id.* at 271.

⁸ *Id.* at 272-273.

⁹ *Id.* at 273-274.

On December 14, 2015, the Integrated Bar of the Philippines (IBP)-Commission on Bar Discipline (CBD) scheduled a Mandatory Conference but none of the parties appeared. In the second hearing, only Atty. Lapore appeared.¹⁰ Based on the records, complainant failed to attend both hearings because the mails were returned to the IBP-CBD with a notation "Unknown addressee". Later, in an Order¹¹ dated March 21, 2016, the IBP-CBD terminated the mandatory conference and directed the parties to submit their respective position papers. Only Atty. Lapore complied and submitted his position paper.¹²

Proceedings before the IBP

In her Report and Recommendation¹³ dated November 29, 2016, Investigating Commissioner Dominica L. Dumangeng-Rosario (Investigating Commissioner Dumangeng-Rosario) opined that Atty. Lapore failed to faithfully discharge his duties as a notary public, and recommended: (1) the revocation of his notarial commission; (2) his disqualification from reappointment as notary public for two years; and (3) his suspension for two months from the practice of law.

On July 2, 2018, the IBP-Board of Governors (BOG) reversed the recommendations of Investigating Commissioner Dumangeng-Rosario and dismissed the complaint against Atty. Lapore.¹⁴ The IBP-BOG observed that the complainant failed to substantiate her claims and allegations. Being a notarized document, the Deed of Absolute Sale is not only entitled to full faith and credit, it is also a *prima facie* evidence of the facts stated therein.¹⁵

Issue

Whether Atty. Lapore should be held administratively liable for the complained acts against him.

¹⁰ *Id.* at 274.

¹¹ *Id.* at 171.

¹² See Position Paper for the Respondent, *id.* at 175-185.

¹³ *Id.* at 269-286.

¹⁴ See the Extended Resolution of the Integrated Bar of the Philippines-Board of Governors, *id.* at 287-297.

¹⁵ *Id.* at 294.

The Court's Ruling

The Court adopts the findings of the IBP-BOG and resolves to dismiss the complaint against Atty. Lapore for lack of *prima facie* case to warrant the penalty of disbarment or the revocation of his notarial commission.

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. Preponderance of evidence means evidence which is of greater weight, or more convincing than that which is offered in opposition to it. The *onus probandi* lies on the complainant, who is duty-bound to prove the veracity of the allegations in his or her complaint by a preponderance of evidence.¹⁶

In *Atty. De Jesus v. Atty. Risos-Vidal*,¹⁷ the Court found that Atty. Clodualdo C. De Jesus (complainant Atty. De Jesus) failed to discharge the burden of proving Atty. Alicia A. Risos-Vidal's (respondent Atty. Risos-Vidal) administrative liability by clear and preponderance of evidence. Except for his bare allegations, complainant Atty. De Jesus did not present any proof to substantiate his claim that respondent Atty. Risos-Vidal used her position as director of the IBP-CBD to enhance her law practice.¹⁸

Recently, the Court invariably pronounced in *Morales v. Atty. Borres, Jr.*,¹⁹ that in disbarment proceedings, complainant bears the burden of proof. Complainant therein failed to discharge this burden and hence, respondent's right to be presumed innocent and to have regularly performed his duty as officer of the court must remain in place.²⁰

In the case at bench, similar to the aforementioned cases, a perusal of the records would reveal that complainant merely alleged that Atty. Lapore, by taking advantage of her absence, facilitated the fictitious sales between her and her parents, and then between the latter and Charity. Strikingly, though, she miserably failed to present any proof in support of the alleged forgery in her signature or the authenticity of the

¹⁶ *Anacin, et al. v. Atty. Salonga*, A.C. No. 8764 (Notice), January 8, 2020.

¹⁷ 730 Phil. 47 (2014).

¹⁸ *Id.* at 53.

¹⁹ A.C. No. 12476, June 10, 2019.

²⁰ *Id.*

thumb mark of his father indicating his consent to the sale. If complainant was so sure her signature was fake, she could have submitted the documents in question for expert analysis to the National Bureau of Investigation, the Philippine National Police, or some other handwriting expert. Regrettably for complainant, the records are bereft of any such analysis or even any attempt to have her signature examined. Moreover, she failed to attend the scheduled mandatory hearings before the IBP-CBD and did not even bother to inform it of the change in her address. Under the circumstances, complainant's bare allegations of Atty. Lapore's purported misconduct cannot prevail over the presumption of regularity accorded to the lawyers as members of the Bar. Absent any showing that he acted in any manner that would render Atty. Lapore as unfit to the practice of law and unable to hold the office of an attorney, this complaint must fail.²¹

It bears stressing that the document on which the contested signature appeared was notarized. Notarial documents carry the presumption of regularity. The burden of proving that the signature affixed on it is false and simulated lies on the party assailing its execution. Here, it is incumbent upon the complainant to prove by clear and convincing evidence that her signature, as appearing on the Deed of Absolute Sale, is forged. Again, she failed to discharge this burden.

Indeed, complainant's claim of forgery or falsification must be competently proved because these allegations cannot be presumed. The allegations should first be established and determined in appropriate proceedings, like criminal or civil cases, for it is only by such proceedings that the last word on the falsity or forgery can be uttered by a court of law with the legal competence to do so. Considerably, a disbarment proceeding is not the occasion to determine the issue of falsification or forgery.²²

Time and again, the Court has reminded 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. In the same vein, however, it will not hesitate to extend its protective arm when the accusation against them is not indubitably proven.²³

²¹ *Anacin, et al v. Atty. Salonga*, *supra* note 16.

²² *Zarcilla, et al. v. Atty. Quisada*, 827 Phil. 629, 639 (2018).

²³ *Anacin, et al v. Atty. Salonga*, *supra* note 16, citing *Atty. Guanzon v. Atty. Dojillo*, *supra* note 1.


WHEREFORE, the present administrative case against respondent Atty. Arnel L. Lapore is **DISMISSED** for lack of factual and legal merit.

SO ORDERED.

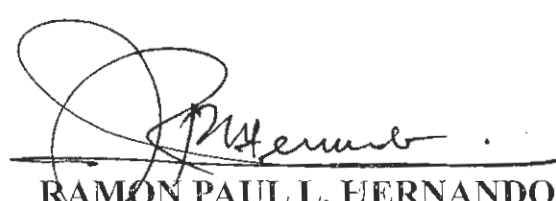


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice

(On leave)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice