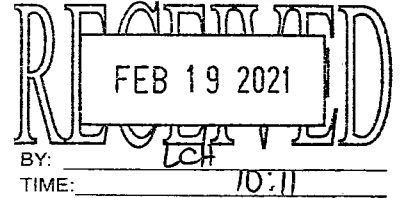




Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



*EN BANC*

**EDRALYN B. BERZOLA,**  
Complainant,

**A.C. No. 12815**

Present:

*-versus-*

**ATTY. MARLON O. BALDOVINO,**  
Respondent.

PERALTA, *CJ.*, Chairperson,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA,  
GISMUNDO,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ,  
DELOS SANTOS,  
GAERLAN, and  
ROSARIO, *JJ.*

Promulgated:

November 3, 2020

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**DECISION**

***PER CURIAM:***

A lawyer who knowingly assists a witness to misrepresent himself or to impersonate another is guilty of deceitful conduct and deserves administrative sanctions.

**ANTECEDENTS**

On January 28, 2002, Lawrence Antonio (Lawrence) and Edralyn Berzola (Edralyn) were lawfully married in Sta. Ignacia, Tarlac. On December 9, 2009, Presiding Judge Liberty Castañeda of the Regional Trial Court (RTC) Branch 67 of Paniqui, Tarlac declared their marriage void in a Decision rendered in Civil

Case No. 128-P'09.<sup>1</sup> Upon checking the records of the case, Edralyn learned that Lawrence personally submitted himself to a psychological examination on February 27, 2009. Afterwards, Atty. Marlon Baldovino (Atty. Baldovino) represented Lawrence in filing a petition for nullity of marriage on March 26, 2009 on the ground of psychological incapacity.<sup>2</sup> Atty. Baldovino likewise notarized the verification attached to the petition<sup>3</sup> that Lawrence signed on March 25, 2009 and his judicial affidavit<sup>4</sup> executed on June 10, 2009. However, Lawrence was absent in the Philippines on those dates since he left for Italy as an undocumented worker on August 7, 2007 and returned only on March 14, 2011. Also, Atty. Baldovino indicated that Lawrence is a resident of Barangay Cabayaoasan, Paniqui, Tarlac instead of Barangay Cabugbugan, Sta. Ignacia, Tarlac. Worse, Edralyn discovered that her signature was forged to make it appear that she personally received the summons although she was not in the Philippines at the time it was served on April 10, 2009.<sup>5</sup> Lastly, the psychologist who examined Lawrence was not registered with the Professional Regulatory Commission. Aggrieved, Edralyn filed a complaint for falsification and use of falsified document against Lawrence and Atty. Baldovino before the office of the public prosecutor. In his counter-affidavit, Lawrence revealed that he never participated in the proceedings in Civil Case No. 128-P'09 but merely relied on the representation of his counsel.

Thereafter, Edralyn filed a complaint for disbarment against Atty. Baldovino for mocking the judicial processes and conniving with Lawrence to conceal the annulment proceedings from her. As supporting evidence, Edralyn submitted the following: (a) a copy of her marriage contract with Lawrence with notation on the decree of nullity; (b) a copy of the petition for nullity of marriage; (c) a copy of Lawrence's psychological evaluation report dated February 27, 2009; (d) a copy of the decision in Civil Case No. 128-P'09; (e) affidavit of her mother Rosalinda Berzola Tomei recounting that Lawrence arrived in Rome on August 8, 2007 under an assumed name and that he stayed with them for several months;<sup>6</sup> (f) affidavit of Dianne Santos narrating that she saw her cousin Lawrence at the train station in Rome on several occasions in February, March and June 2009 and that both of them applied for Italy's amnesty program for illegal workers and returned in the Philippines in 2011;<sup>7</sup> (g) information on Italy's Amnesty Program for undocumented foreign workers who were still employed at the time the program was opened on June 30, 2009;<sup>8</sup> (h) certification from the Bureau of Immigration (BOI) showing that Lawrence's earliest travel record of arrival to the Philippines was on March 14, 2011;<sup>9</sup> (i) certification that Lawrence is not a *bona fide* resident of Barangay Cabayaoasan; (j) certification that the psychologist who examined Lawrence was not registered with the Professional Regulatory Commission; and (k) a copy of Lawrence's counter-affidavit before the public prosecutor.

<sup>1</sup> Rollo at 29; also referred to as Civil Case No. 128-09 in some parts of the records.

<sup>2</sup> *Id.* at 5-6.

<sup>3</sup> *Id.* at 38-43.

<sup>4</sup> *Id.* at 53-58.

<sup>5</sup> *Id.* at 14-15.

<sup>6</sup> *Id.* at 59-60.

<sup>7</sup> *Id.* at 63.

<sup>8</sup> *Id.* at 62.

<sup>9</sup> *Id.* at 64-65.

On the other hand, Atty. Baldovino averred that in 2009 a man came to his office and inquired about the procedure for annulment of marriage. The person identified himself as Lawrence Antonio who is residing in Barangay Cabayaoasan, Paniqui, Tarlac. Accordingly, he represented the man claiming to be Lawrence in filing a petition for nullity of marriage. Atty. Baldovino added that the affidavits of Edralyn's witnesses are self-serving. Further, the case against him is a pure legal conclusion absent evidence that Lawrence left the Philippines in 2009 since his travel documents only showed that he returned in the country in 2011.<sup>10</sup> In her Reply,<sup>11</sup> Edralyn explained that Atty. Baldovino could have ascertained the true identity of his client, assuming that someone misrepresented himself as Lawrence, by requesting documents or asking questions. At any rate, Lawrence already admitted that he hired the services of Atty. Baldovino but did not participate in the case. Clearly, Atty. Baldovino knowingly misrepresented another person as Lawrence before the court.

On May 29, 2017, the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) recommended the disbarment of Atty. Baldovino for securing a favorable judgment through false pretenses, insidious machinations and unethical conduct,<sup>12</sup> to wit:

**Here, the evidence against the respondent is simply overwhelming. Complainant had sufficiently and satisfactorily proven that respondent violated the Canons of Professional Responsibility when through false pretenses, insidious machinations and unethical conduct, he was able to secure a judgment in Civil Case No. 128-P'09.**

The following facts are undisputed: a) respondent was counsel of record for complainant's husband, Lawrence Antonio, in a petition for the declaration of nullity of marriage x x x denominated as Civil Case No. 128-P'09; b) respondent drafted the petition, prepared the Judicial Affidavit of Lawrence Antonio and presented a person who identified and attested to the declarations in the Judicial Affidavit; c) respondent also presented a certain Dr. Carina S. Roman, a purported psychologist who it turns out, is not even registered with the Professional Regulatory Commission.

**At all times material to the filing of the said case and up to the issuance of a Decision therein, [i.e.], the year 2009, respondent's client Lawrence Antonio was not in the Philippines at all.** This is primordially supported by the Certification of the Bureau of Immigration that the very first or earliest record of Antonio's travel was on March 14, 2011 which is the date of his arrival in the Philippines. There is no record of her husband's departure from the Philippines prior to March 14, 2011 x x x, which, together with Affidavit of Rosalinda Berzola Tomei x x x, reinforces complainant's assertion that her husband left the Philippines under an assumed name. Lending credence to Antonio's absence in 2009 is the [*Regolarizzazione Colf E Badanti*] x x x, under which the Italian government implemented an amnesty program for undocumented domestic helpers who as of June 30, 2009 had been illegally employed for at least three months and who were still employed at the time the program was opened. It is thus plausible that Antonio would have remained in Italy until after his employment status would have been legalized. That Antonio

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<sup>10</sup> *Id.* at 86-87.

<sup>11</sup> *Id.* at 91-104.

<sup>12</sup> *Id.* at 191-200.

was in Italy in the year 2009 is further bolstered by Dianne Santos' sworn statement that she and her cousin Lawrence Antonio had several opportunities to see each other at the train station in other areas of Rome, including the months of February, March and June, 2009 and that she and Lawrence were able to return to the Philippines for the first time only in 2011 x x x. **Most telling of all is the declaration of Lawrence Antonio himself in his Counter-Affidavit filed before the Prosecutor's Office x x x that he had not participated in the judicial proceeding for the annulment of marriage.** Portions of his statements are as follows:

*"In this case, I hired the services of a legal counsel to represent me in the annulment of my marriage contract. I paid the fees required of me. I was told the annulment papers will be processed. I believe in good faith to (sic) my legal counsel."*

He reiterated his non-participation, maintaining thus:

*"4. If the complainant claims that I was liable because I benefitted from the malpractice of the legal profession and the judiciary, the records will show that I NEVER was a part of the proceedings; In this case, I hired the services of a legal counsel to represent me in the annulment of my marriage contract. I paid the fees required of me. I was told the annulment papers will be processed. I believe in good faith to (sic) my legal counsel."*

Lawrence Antonio's affidavit is actually heavily punctuated with the above disclaimer. **Respondent on the other hand, was not able to provide any countervailing evidence other than his puerile assertion that he was led to believe that the person he had been dealing was Lawrence Antonio. Such assertion however, is simply incredulous. It taxes credulity to believe that he had been able to initiate a petition for declaration of nullity of marriage, prepare the Judicial Affidavit and present the purported affiant without having discovered that the person he was supposedly dealing with as his client was not Lawrence Antonio.** In the same vein, respondent could not satisfactorily explain why he presented as an expert witness one Carina Roman, a supposed psychologist who was not in fact accredited nor registered with the Professional Regulatory Commission. These are all the false schemes which respondent employed to secure a judgment! He had knowingly assisted witnesses to represent themselves and/or impersonate another, in violation of Rule 12.06.

X X X X

Respondent has fallen below such exacting standard of honesty and fair dealing. Considering that respondent had violated Canons 1 (Rule 1.01 [1.02]), 7, 10 (Rule 10.01), Rule 12.06, and 19 (Rule 19.01) of the Code of Professional Responsibility, the undersigned recommends that respondent be **DISBARRED** from the practice of law.

Respectfully submitted.<sup>13</sup> (Emphases supplied.)

The IBP Board of Governors adopted the Commission's findings.<sup>14</sup> Atty. Baldovino moved for a reconsideration.<sup>15</sup> On June 17, 2019, the IBP partly granted the motion and modified the penalty to two years suspension, viz.:

<sup>13</sup> *Id.* at 198-200.

<sup>14</sup> *Id.* at 190.

<sup>15</sup> *Id.* at 201-207.

RESOLVED to partially GRANT the Motion for Reconsideration and MODIFY the penalty from disbarment to Two (2) Years SUSPENSION from the practice of law.

### RULING

The Court adopts the IBP's findings with modification as to the penalty.

A lawyer must exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.<sup>16</sup> Any act on his part which visibly obstructs, perverts, impedes or degrades the administration of justice constitutes misconduct and justifies disciplinary action. Indeed, a lawyer must represent his client within the bounds of the law lest he transgresses his corresponding duties to the court, the bar, and the public.<sup>17</sup> Specifically, a "*lawyer shall not knowingly assist a witness to misrepresent himself or to impersonate another.*"<sup>18</sup> Otherwise, the lawyer is as equally guilty as the witness who falsely testifies in court.<sup>19</sup> This amounts to a deceitful conduct which is a ground for disbarment or suspension not to mention the possible criminal prosecution. Here, convincing evidence exist that Atty. Baldovino represented Lawrence in the case for nullity of marriage despite his absence in the Philippines. Thereafter, Atty. Baldovino knowingly presented another person to act on Lawrence's behalf during the proceedings and an expert witness who does not have the required qualifications. These further resulted in violations of the rules on notarial practice.

Foremost, Atty. Baldovino admitted that Lawrence is his client in Civil Case No. 128-P'09 and that he is the counsel of record who drafted the petition for nullity of marriage. Both Atty. Baldovino and Lawrence did not deny these facts. Also, it was proven that Lawrence was abroad when the case was filed until it was decided. The affidavits of Rosalinda Berzola Tomei and Dianne Santos, information on Italy's Amnesty Program, certification from the BOI, and Lawrence's counter-affidavit before the public prosecutor established this finding. In stark contrast, Atty. Baldovino did not disprove these evidence but merely argued that the person he was dealing as his client was not Lawrence. Yet, Atty. Baldovino failed to substantiate this theory. He did not even attempt to describe the alleged impostor or to present any corroborating witness. Atty. Baldovino could have gathered testimonies from court personnel who are supposed to have seen his client during the trial. We stress that bare assertion is not evidence.<sup>20</sup> As the IBP aptly observed, it is highly impossible for Atty. Baldovino to draft a petition and prepare a judicial affidavit without discovering the real identity of his client. At most, Atty. Baldovino allowed another person to sign these documents. To be sure, the questioned signatures on the petition and the judicial affidavit (first set) varied from the standard signatures in Lawrence's passport and counter-affidavit in the criminal case (second set). The swash and the leg of the letter "A" on the judicial affidavit are connected while it is disconnected in the

<sup>16</sup> CODE OF PROFESSIONAL RESPONSIBILITY, Canon 12.

<sup>17</sup> *Reyes v. Atty. Vitan*, 496 Phil. 1, 5 (2005).

<sup>18</sup> CODE OF PROFESSIONAL RESPONSIBILITY, Canon 12.06.

<sup>19</sup> Eldrid C. Antiquiera, *Comments on Legal and Judicial Ethics*, Second Edition (2018), p. 67.

<sup>20</sup> *Dra. Dela Llana v. Biong*, 722 Phil. 743, 757 (2013).

second set. Also, the letters “n,” “t,” “o” and “i” cannot be ascertained in the second set unlike in the first set. Further, the word “Antonio” can be effortlessly read in the first set but it is not visible in the second set. These differences in the handwriting characteristics are clearly discernible to the naked eye and support the conclusion that another person signed on behalf of Lawrence who was abroad during the entire proceedings.

Corollarily, Atty. Baldovino violated the 2004 Rules on Notarial Practice which provides that a notary public should not notarize a document unless the signatory to the document is in the notary’s presence personally at the time of the notarization, and personally known to the notary public or otherwise identified through competent evidence of identity.<sup>21</sup> The purpose of these requirements is to enable the notary public to verify the genuineness of the signature and to ascertain that the document is the signatory’s free act and deed. If the signatory is not acting of his or her own free will, a notary public is mandated to refuse to perform a notarial act.<sup>22</sup> In this case, Atty. Baldovino notarized the verification attached to the petition for nullity of marriage and the judicial affidavit in the absence of Lawrence.

Finally, this Court takes judicial notice of the report in *Office of the Court Administrator v. Judge Castañeda, et al.*<sup>23</sup> that the RTC Branch 67 is a haven for couples who want their marriages to be judicially declared void and that Judge Castañeda committed blatant irregularities in deciding these cases. Coincidentally, it was Judge Castañeda who declared void the marriage between Lawrence and Edralyn. It is not farfetched that Atty. Baldovino chose this venue to secure a favorable ruling although he presented a purported psychologist as an expert witness and despite the lack of a valid service of summons to Edralyn, to wit:

The serious infractions committed by Judge Castañeda were in cases involving petitions for nullity and annulment of marriage and legal separation, **the most disturbing and scandalous of which was the haste with which she disposed of such cases.** For the year 2010 alone, Judge Castañeda *granted* a total of 410 petitions of this nature. **The audits likewise showed that she acted on these petitions despite the fact that it was not verified;** that the OSG or the OPP were not furnished a copy of the petition within 5 days from its filing; **that the petition did not recite the true residence of the parties,** which should be within the territorial jurisdiction of Branch 67 for at least 6 months prior to the filing of the petition; or that the docket fees have not been fully paid and **jurisdiction over the person of the respondents have not been acquired.**

X X X X

The OCA has extensively elucidated on the transgressions committed by Judge Castañeda, which the Court adopts in its entirety. For her blatant disregard of the provisions of A.M. Nos. 02-11-10-SC and 02-11-11-SC, Judge Castañeda is thus found guilty of gross ignorance of the law and procedure. x x x.

<sup>21</sup> 2004 Rules on Notarial Practice, Rule IV, Sec. 2(b).

<sup>22</sup> *Miranda, Jr. v. Alvarez, Sr.*, A.C. No. 12196, September 3, 2018, 878 SCRA 489, 501; and *Gaddi v. Atty. Velasco*, 742 Phil. 810, 816 (2014).

<sup>23</sup> 696 Phil. 202 (2012).

x x x x

Moreover, the reprehensible haste with which she granted petitions for nullity and annulment of marriage and legal separation, despite non-compliance with the appropriate rules and evident irregularities in the proceedings, displayed her utter lack of competence and probity, and can only be considered as grave abuse of authority.<sup>24</sup> (Emphasis supplied.)

Taken together, the acts and omissions of Atty. Baldovino reveal his moral flaws that bring intolerable dishonor to the legal profession. They constitute deceitful conduct for which he may be disbarred or suspended.<sup>25</sup> In determining the imposable penalty against an erring lawyer, the purpose of disciplinary proceedings must be considered which is to protect the administration of justice by requiring that those who exercise this important function shall be competent, honorable, and reliable men in whom courts and clients may repose confidence. While the assessment of disciplinary sanction is primarily addressed to the Court's sound discretion, the penalty should neither be arbitrary or despotic, nor motivated by personal animosity or prejudice. Rather, it should ever be controlled by the imperative need to scrupulously guard the purity and independence of the bar. Thus, the supreme penalty of disbarment is meted out only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court and member of the bar.<sup>26</sup> The Court will not hesitate to remove an erring attorney from the esteemed brotherhood of lawyers where the evidence calls for it.<sup>27</sup> Verily, Atty. Baldovino is guilty of gross misconduct and is unfit to continue his membership in the bar.

**FOR THESE REASONS**, Atty. Marlon O. Baldovino is **DISBARRED** from the practice of law and his name is **ORDERED STRICKEN** from the Roll of Attorneys. He is also **PERPETUALLY DISQUALIFIED** from being commissioned as a notary public.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into Atty. Marlon O. Baldovino's records. Copies shall likewise be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts concerned.

**SO ORDERED.**



**DIOSDADO M. PERALTA**  
Chief Justice

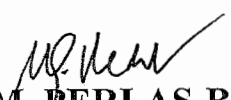
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<sup>24</sup> *Id.* at 224-225.

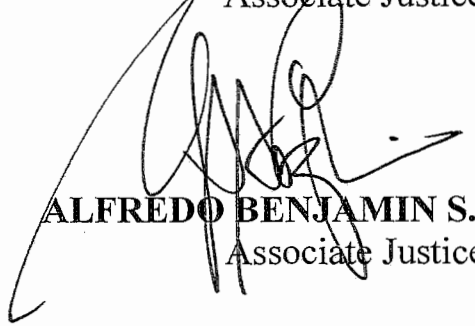
<sup>25</sup> See RULES OF COURT, Rule 138, Sec. 27.

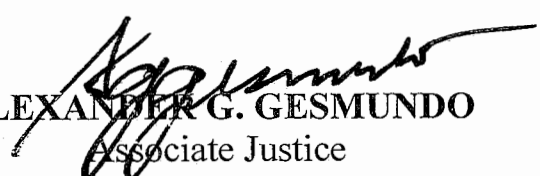
<sup>26</sup> *Ting-Dumali v. Atty. Torres*, 471 Phil 1, 14 (2004).

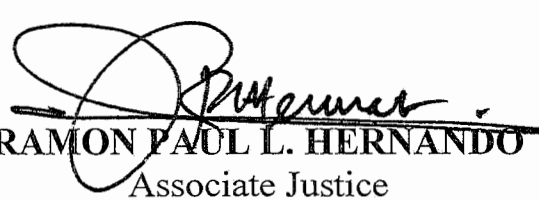
<sup>27</sup> *Garcia v. Atty. Manuel*, 443 Phil. 479, 489 (2003).

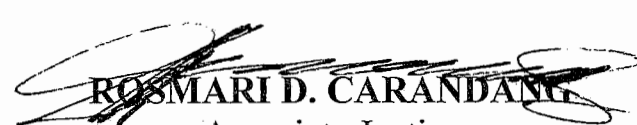
  
**ESTELA M. PERLAS-BERNABE**  
 Associate Justice


  
**MARVIC M.V.F. LEONEN**  
 Associate Justice


  
**ALFREDO BENJAMIN S. CAGUIOA**  
 Associate Justice

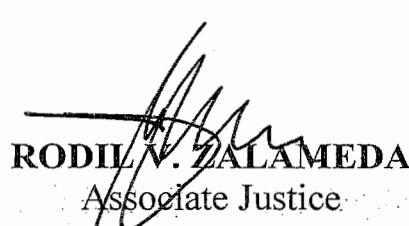
  
**ALEXANDER G. GESMUNDO**  
 Associate Justice

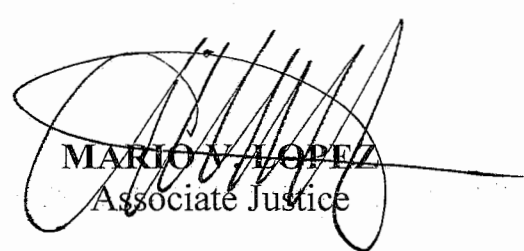
  
**RAMON PAUL L. HERNANDO**  
 Associate Justice


  
**ROSMARI D. CARANDANG**  
 Associate Justice


  
**AMY C. LAZARO-JAVIER**  
 Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
 Associate Justice

  
**RODIL V. ZALAMEDA**  
 Associate Justice

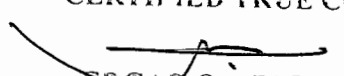
  
**MARIO V. LOPEZ**  
 Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
 Associate Justice

  
**SAMUEL H. GAERLAN**  
 Associate Justice

  
**RICARDO R. ROSARIO**  
 Associate Justice

CERTIFIED TRUE COPY

  
**EDGAR O. ARICHETA**  
 Clerk of Court En Banc  
 Supreme Court