

FIRST DIVISION

[A.C. NO. 5839, August 22, 2006]

ARTURO C. SAMPANA, COMPLAINANT, VS. ATTY. EDGARDO J. ANGARA AND ATTY. DEMAREE J.B. RAVAL, RESPONDENTS.

DECISION

CHICO-NAZARIO, J.:

Before Us is a Complaint^[1] for the disbarment of incumbent Senator Edgardo J. Angara (respondent Angara) and Atty. Demaree J.B. Raval (respondent Raval), filed by Arturo C. Sampana with the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP). Complainant alleges that respondents committed various offenses amounting to gross misconduct, violation of their oath as lawyers, and the Code of Professional Responsibility by instructing, inducing, cajoling, and instigating the complainant in perpetrating falsehoods and in committing unlawful acts.^[2]

In his Affidavit dated 31 October 2001,^[3] complainant Arturo C. Sampana, a journalist by profession, alleged that he first met Robert Rivero (Rivero) in 1995 while they were campaigning for the election of Ed Morales (Morales) as Provincial Board Member of the 1st Congressional District of Bulacan. In 1996, complainant, together with Rivero and Morales, established the LUZON PEN, a provincial community newspaper in Bulacan, which was partly financed by Florencio "Rey" Parena (Parena).^[4] The latter then was being linked to alleged drug lord, Alfredo Tiongco (Tiongco).^[5] After LUZON PEN had closed down in 1997, complainant became a radio correspondent for Balita ng Bayan in DZXL (now RMN news) whereas Rivero became the anchor of the same radio program.

In 1998, complainant established and became the Editor-in-Chief of NEWS PEN, a national weekly newspaper. It was owned by Fernando Gaddi (Gaddi), the brother of complainant's late friend, Efren Gaddi. While they were organizing the NEWS PEN, Gaddi inquired from complainant if he knows of any person who had access to then Senator Tessie Aquino-Oreta (Oreta), who, at that time, was the newly designated Chairperson of the Senate Committee on Education. Gaddi needed Oreta's favorable recommendation for his proposed textbook supply contract with the Department of Education and Culture. Complainant recommended Rivero, who was then a Senate reporter, to Gaddi. Eventually, complainant and Rivero agreed to work for the favorable recommendation by Oreta of Gaddi's P200,000,000.00 textbook supply contract. Gaddi agreed to give complainant and Rivero the amount of P1,000,000.00 and P2,000,000.00, respectively, if they succeeded in persuading Oreta to recommend Gaddi for the said textbook supply contract. They also agreed that the P2,000,000.00 share of Rivero will be further shared with a staff member of Oreta named Jane Cruz (Jane), who later on also became the wife of Rivero. At this point, Rivero became the Contributing Editor of NEWS PEN.

On various dates in 1998 and after securing Oreta's favorable recommendation, Gaddi delivered to Rivero a check in the amount of P500,000.00, and cash worth P800,000.00, as partial payment of his obligations to Rivero and complainant. Rivero, who was supposed to turn over to complainant the latter's share in the amount of P500,000.00, failed to do so, claiming that he gave the said amount to Oreta. According to Rivero, Oreta needed the money for her then ailing mother, Doña Aurora. However, complainant found out later that the said amount was given by Rivero to his wife, Jane. Thinking that he was double-crossed, complainant broke ties with Rivero. In April 1999, complainant and Rivero reconciled during their meeting at the office of then Senator Blas Ople.

In July 2001, Rivero appeared on television to expose the alleged misuse of Philippine Charity Sweepstakes Office (PCSO) funds. Thereafter, Rivero called complainant on his cellular phone and told him *"Art, na-set up ako dito. Tulungan mo ako may papuputukin akong kwento para makabawi ako. Malaking tao ang matatamaan dito, kasama na si Obet [Pagdanganan]."*^[6] Complainant agreed to help Rivero but he reminded him that Pagdanganan had a pending libel case against complainant and LUZON PEN in connection with the Barasoain Church Project scam story published in the same newspaper. Rivero, however, assured complainant that the libel case will not be affected since Pagdanganan had already executed an affidavit of desistance therein.

Subsequently, Rivero again called complainant and told him to implicate First Gentleman Miguel Arroyo (Mike Arroyo), Senator Joker Arroyo, Ernesto Herrera and Senator Juan Flavio Velez in connection with some irregularities. Rivero assured complainant that there is nothing to worry about since the matter will eventually be settled and that once he joined him in implicating Mike Arroyo to some irregularities, the latter will be forced to compromise with them for a large amount of money. Complainant, who was also a writer/correspondent in Manila Times, The Daily Tribune (Tribune), and BANAT newspapers, told Rivero that he could not write this controversy in Manila Times. In reply, Rivero suggested that he just write the same in Tribune and BANAT.

Sometime in the second week of August 2001, Rivero called complainant and told him *"Tulungan natin si Lacson [Senator Panfilo Lacson]. May papuputukin tayo – babanatan ko si Mike Arroyo, pagkatapos tirahin mo naman sina Corpuz [Lt. Col. Victor Corpuz], at gamitin mo ang nalalaman mo sa Tiongco-Parena case. Magkakapera tayo ng malaki dito, susuportahan tayo ng grupo ni Angara [respondent Angara] at Lacson."*^[7] Rivero also informed complainant that the group of respondent Angara and Lacson would give them P1,000,000.00 plus "other benefits" including the printing and marketing of complainant's book-in-progress. Further, Rivero told complainant *"Makakabawi ka rin sa akin, doon sa hindi ko naibigay sa iyo noon. Pare, yung asawa ko si Jane nasa staff ni Lacson, kaya pasuk na pasuk tayo, may pera at suporta pa. Marami pang tatamaan dito – sina Senators Joker and Flavio at ex-senator Herrera at ex-governor Obet."*^[8]

Thereafter, Rivero instructed complainant to meet him and the group of respondent Angara and Senator Panfilo Lacson (Lacson) on 22 August 2001 at the parking lot of Westin Philippine Plaza (WPP) in Pasay City. Complainant was informed by Rivero that he will execute an affidavit against Col. Victor Corpus (Corpus), the Intelligence

Service of the Armed Forces of the Philippines (ISAFP), and Senator Joker Arroyo on the above-mentioned date. Rivero also told complainant to prepare in advance a written statement to be used at the Senate Committee hearings on Lacson's involvement in drug trafficking.

On 22 August 2001, at about nine in the morning, complainant met Rivero and Raymond Burgos (Burgos), a publicist of Lacson and respondent Angara, at the parking lot of WPP. From the parking lot, they proceeded to the lobby of the business center thereof where they met respondent Raval and two ABELLO CONCEPCION REGALA & CRUZ (more commonly known as ACCRA Law Office) lawyer-assistants namely, Atty. Johnas M. Lamorena (Lamorena) and Atty. John P. Virgino (Virgino). Rivero introduced complainant to respondent Raval by saying *"Ito ang kasama natin gigiba kay Corpuz."*^[9] Afterwards, respondent Raval explained to complainant that he will execute an affidavit which will destroy the credibility of Corpus and ISAFP since the two were implicating Lacson to some illegal activities. He also divulged to complainant that Rivero will execute an affidavit which will implicate Mike Arroyo and several others to some illegal activities. Moreover, he disclosed to complainant that they will be presented to testify before separate Senate hearings.

After finishing his written statement, complainant submitted it to respondent Raval. The latter made a remark that while the same is "okay," he needed "to add" some statements to produce the desired impact, and fully destroy the reputation of Corpus and ISAFP.^[10] When complainant hesitated thereon, Rivero approached him and said *"Pare, ok lang yan, ako nga, ang daming ipinadagdag si Mario (respondent Raval)."*^[11] Complainant noticed that Rivero was holding a paper which appears to be an affidavit. Rivero told him that it is an affidavit against Mike Arroyo.

Later, respondent Raval called respondent Angara on his cellular phone and relayed the contents of the written statement of complainant. At the end of the conversation, respondent Raval said *"Sir, ok ito, pero may kailangan akong idagdag para may impact kay Corpuz at Joker. Ok ba Sir? Ngayon na?"*^[12] Subsequently, respondent Raval informed complainant that respondent Angara had already given the "go signal" to prepare and finalize his affidavit with the necessary additions, and that the affidavit must be shown to him once it is finalized. At this juncture, complainant heard Burgos talking to his "boss" on the phone, informing him of the developments. Complainant also heard respondent Raval and Rivero discussing the draft of the supposed privilege speech of Senator Aquilino Pimentel with regard to the PCSO scam, and which involved Mike Arroyo.

Thereafter, respondent Raval, together with Lamorena and Virgino, assisted complainant in writing his affidavit by means of a laptop computer owned by Lamorena. At this point, respondent Raval instructed him to concoct and include the following statement in his affidavit:

"During the period that I was under protective custody and even after that, I met Lt. Col. Corpuz several times in the premises of ISAFP."^[13]

Complainant, at first, hesitated to include the same therein, claiming that he never really saw, much less met with Corpus during the time he was under protective custody of ISAFP in 1997. Nevertheless, complainant agreed to include the same in

his affidavit. Respondent Raval also induced him to state therein that ISAFP Generals Calimlim, Libarnes and Lastimoso were the persons named by Tiongco who had persuaded him to turn state witness against Lacson. Again, complainant acceded. Later on, respondent Raval told complainant *"Eto pa, para may impact kay Mike Arroyo, sabihin mo na in-approach ni Mike Arroyo si Parena para huwag nang isali si GMA sa listahan ng mga sangkot kay Tiongco."*^[14] Rivero intervened and said "Oo para pareho tayo."^[15] This time, however, complainant refused arguing that this would be easy to disprove, and that the two above-stated additions are enough.

Unfazed, respondent Raval persuaded complainant to "attack" Senator Joker Arroyo in his affidavit by stating that the latter gave Rivero P160,000.00, in order to "buy his silence." He also told complainant to state therein that Senator Robert Barbers, who was at that time the Chairman of the Committee on Senate inquiry on drug trade, kidnapping for ransom and money laundering, which was investigating Lacson, was responsible for the release of suspected drug lord, Lawrence Hwang. According to respondent Raval, this exposé would greatly affect the "equilibrium" of Barbers as regards the investigation of Lacson. Complainant, however, refused to include these statements in his affidavit.

Still undismayed, respondent Raval induced complainant to include therein the name of Senator Vicente Sotto III (Sotto) as among those wrongly implicated by ISAFP in Parena's affidavit. Complainant refused saying that Sotto was a known close friend of Tiongco. Nevertheless, upon respondent Raval's insistence, complainant relented and said, *"Bahala kayo."*^[16]

Subsequently, respondent Raval, together with Lamorena and Virgino, took complainant to the Senate office of respondent Angara. While they were walking in the lobby of the Senate, respondent Raval met some of his colleagues therein and stated *"Malaki nagastos ko pero ok lang, may resulta naman. Matutuwa si Boss."*^[17] Upon reaching the office of respondent Angara, complainant saw respondent Angara standing near the door of an inner room. Respondent Raval walked directly to respondent Angara and chatted with him. He also showed to respondent Angara the complainant's draft affidavit. Afterwards, respondent Raval pointed to complainant as if to confirm the latter's presence to respondent Angara. At this point, respondent Angara smiled and waved his hand at complainant. Subsequently, complainant, together with respondent Raval, Lamorena and Virgino, went to the Senate lounge to take their lunch. After ordering their food, respondent Raval excused himself saying that he will meet respondent Angara at the Session Hall. Later, respondent Raval returned and directed complainant to sign his affidavit. After complainant had signed his affidavit, respondent Raval took possession of the same and told complainant that he will go back to his office to have the same notarized. Upon his return with a companion, respondent Raval gave complainant a copy of his notarized affidavit. The unidentified companion of respondent Raval gave complainant an envelope containing P10,000.00 and said "Boss, heto panggastos mo. Bahala na si Robert (Rivero) at Raymond (Burgos) sa iba pang kasunod."^[18] Respondent Raval shook the hand of complainant, gave him his cellular phone number and left. Later that evening, Rivero called complainant and inquired what happened. Complainant replied that respondent Angara had paid him P10,000.00. Then, Rivero told complainant "Standby ka lang, mayroon pang darating."^[19]

Sometime in the first week of September 2001, Burgos called complainant and told

the latter to call Rivero on his new cellular phone number. When complainant called Rivero, the latter told him to expect a call from Ninez Cacho Olivarez (Olivarez) of the Tribune. A few days later, Olivarez called complainant and told the latter to proceed to her office in Tribune located at T.M. Kalaw corner A. Mabini Street, Manila.

On 6 September 2001, at about 10:30 in the morning, complainant went to the office of Olivarez and was interviewed therein by Benjamin Pulta (Pulta) with regard to the 1997 ISAFP operation on Tiongco and Parena. Pulta's article entitled "*Corpus following 1997 ISAFP script*"^[20] appeared in the 7 September 2001 issue of the Tribune. The article was based on Pulta's interview with complainant and the latter's affidavit previously executed with respondent Raval.

Thereafter, Rivero called complainant and told him that he was being "hit" by Orlan Mauricio and Pagdanganan on Channel 9. He also informed complainant that the group of respondent Angara and Lacson wanted him to write something against presidential son, Mikey Arroyo, in BANAT and Tribune. Subsequently, complainant called his former colleague in Inquirer newspaper and now Editor-in-Chief of BANAT tabloid, Jun Alano (Alano). He informed Alano that Mikey Arroyo was a close friend and protector of alleged drug lord, Parena. Further, Mikey Arroyo even held a shooting for the telenovela in Parena's videoke bar "DIOSA" now "CLASSMATES." Complainant claimed that this fact, which appeared in BANAT's issue on 8 October 2001, was based on information relayed to him by Rivero over the telephone. However, complainant later confirmed that Mikey Arroyo did not really know Parena.

Subsequently, Rivero informed complainant that the group of respondent Angara and Lacson wanted him to link Mike Arroyo in the controversy involving the renovation of the Barasoain Church. Complainant relented. Thus, on 13 October 2001, the headline on BANAT reads: "*Big Mike, Sabit Din Sa Barasoain Scam.*"^[21] Complainant also wrote the same story on the same date in Tribune.

Still unsatisfied, Rivero told complainant to "hit" Dante Ang (Ang). Rivero instructed complainant to secure a copy of the appointment papers of Teodoro Berbano (Berbano) as a highly paid consultant of Ang's Public Relations firm, Dante Ang and Associates. Berbano was the President of the sequestered Journal Group of Publications (JGP). The plan was to show that Ang was using the sequestered JGP for the benefit of his clients in his public relations firm. Complainant succeeded in obtaining a copy of Berbano's appointment papers. Thus, Rivero directed complainant to turn over the said papers to Burgos, who, in turn, will give him the amount of P50,000.00. Shortly thereafter, Burgos called complainant and instructed the latter to meet him on 14 October 2001 in Columbia Cyber Café located at the 4th floor of the SM Megamall between 4:00 to 5:00 in the afternoon.

On 14 October 2001, complainant, together with a colleague named Jun Acot, went to the venue of the meeting. Complainant submitted therein Berbano's appointment papers to Burgos. When complainant inquired with Burgos about the P50,000.00 mentioned by Rivero, Burgos told him that Rivero did not give him any money. According to Burgos, Rivero told him to inform complainant that the said amount will be delivered to the latter in the future. Burgos, then, instructed complainant to research the background of Chito Arabejo, a Bureau of Immigration and Deportation officer, who was reported to have arrested a Spanish national in possession of a