



Republic of the Philippines
Supreme Court
Manila

CERTIFIED TRUE COPY
Wilfredo V. Lapitan
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

APR 07 2016

SPECIAL THIRD DIVISION

MARY ROSE A. BOTO,
Complainant ,

A.C. No. 9684

Present:

- versus -

VELASCO, JR., J., *Chairperson,*
DEL CASTILLO,*
MENDOZA,
LEONEN, and
JARDELEZA, JJ.

**SENIOR ASSISTANT CITY
PROSECUTOR VINCENT L.
VILLENNA, CITY PROSECUTOR
ARCHIMEDES V. MANABAT
AND ASSISTANT CITY
PROSECUTOR PATRICK
NOEL P. DE DIOS,**

Promulgated:

Respondents. March 16, 2016

Wilfredo V. Lapitan

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RESOLUTION

MENDOZA, J.:

Subject of this resolution is the Motion for Reconsideration,¹ dated October 22, 2013, filed by respondent Senior Assistant City Prosecutor Vincent L. Villena (*Villena*) seeking reconsideration by this Court of its September 18, 2013 Decision,² the dispositive portion of which reads:

WHEREFORE, Senior Assistant City Prosecutor Vincent L. Villena is found liable for Ignorance of the Law and is hereby **FINED** in the amount of Ten Thousand (P10,000.00) Pesos, payable within 30 days from receipt of this resolution with a warning that a repetition of the same or similar offense shall be dealt with more severely.

* Designated Member in lieu of Associate Justice Diosdado M. Peralta, per Special Order No. 1541 dated September 9, 2013.

¹ *Rollo*, pp. 68-70.

² *Id.* at 56-63.

Assistant City Prosecutor Patrick Noel P. De Dios, for his negligence, is **REPRIMANDED** with a warning that a repetition of the same or similar offense shall be dealt with more severely.

City Prosecutor Archimedes V. Manabat is admonished to be more careful and circumspect in the review of the actions of his assistants.

SO ORDERED.³

As stated in the September 18, 2013 decision, this administrative matter stemmed from an information for Libel against complainant Mary Rose A. Boto (*Boto*) filed before the Metropolitan Trial Court, Branch LXXIV, Taguig City (*MeTC*). The information was prepared by Assistant City Prosecutor Patrick Noel P. de Dios (*de Dios*), the investigating prosecutor; and approved by City Prosecutor Archimedes Manabat (*Manabat*). Villena was the trial prosecutor assigned to the MeTC.

In her Affidavit-Complaint,⁴ Boto charged respondents Villena, Manabat and de Dios with gross ignorance of the law for filing the information and for opposing the motion to quash despite the knowledge that the MeTC had no jurisdiction over the case.

In his motion for reconsideration, Villena prays that the Court “RECONSIDER its Decision, and to:

- a. RELIEVE respondent Villena from any liability, or
- b. DOWNGRADE, COMMUTE or MITIGATE the penalty that was imposed upon him from Fine to Reprimand or Admonition.”⁵

In advocacy of his plea, respondent Villena wrote:

3. The Decision of this Honorable Court’s Third Division is grounded on the following factual findings:

- a. Respondent Villena should have initiated the move for the dismissal of the case instead of opposing it; and
- b. The prosecution of the case was considerably delayed.

4. I wish to emphasize to this Honorable Court that I come before it, through this MR, NOT to give excuses. Rather, I wish for the Court to see that, while my actions appeared to have fallen short of its expectations, it was not my intention to prejudice the accused (complainant Boto) or anyone for that matter.

³ Id. at 62.

⁴ Id. at 1-7.

⁵ Id. at 70.

5. **First**, I humbly believe that I was not solely to be blamed. Neither should I be blamed for the delay in the resolution of the complainant's Motion to Quash. Its resolution was not something that I could decide or control, it was for the Lower Court's.

6. And **second**, while it is true that I did not immediately oppose the Motion to Quash the first time the Lower Court ordered me to do so, I honestly [b]elieved then that the Lower Court would have already realized the "error" when its attention was called to it.

7. Admittedly, I was on a wrong assumption that the Lower Court should dismiss the case even without my comment. I was also wrong to have acted in deference to the Lower Court's decision not to dismiss the case outright after it already determined probable cause to issue a warrant of arrest.

8. At any rate, I must admit that I committed a mistake in not categorically taking side with the motion to quash when I was asked again by the Honorable Lower Court to file my comment. Perhaps, I was just cautious then not to appear earnestly rallying for the dismissal of the case, and be accused by the private complainants of compromising their cases.

9. Verily, the Comment that I filed was in fact short, simple and imprecise. It was a sort of a "pro-forma comment" that was crafted merely in general terms.

10. **WITH THIS**, I come before this Honorable Court to **plead for compassion**. I feel that the **penalty is not commensurate to the infraction the Court thought I had done which, to my mind, did not distinguish my lapses to one incited by ill-motive or corrupted by malice in my actions**.

11. I apologize that I have to explain in this MR, notwithstanding my apology. It is because this is the **first time** that I have been charged with misdeed. In my long years of practice as a lawyer and a prosecutor, I have done my job in the best way I can. The records of the Office of the Bar Confidant and even the Integrated Bar of the Philippines can bear truth to this sworn declaration. Furthermore, it has never been a predisposition (in the performance of my prosecutorial work) to intentionally or unintentionally prejudice anyone's cause. Not one before this case has come forward to accuse me of delaying their cases or jeopardizing their cases with incompetency and inefficiency. In our Office, I continue to hold this year the highest disposal rate.

12. To this Honorable Court, I hope that you will not be unselfish of your compassion. I just truly believe that I should not bear alone the whole uneventful incident. If I had to, I hope that the Court would take into mind as well that this is my first offense and again, **there was no bad faith or malice on my part**.

[Emphases Supplied]

From his motion for reconsideration, Villena appears contrite to what he considers as an act short of what was expected of him. He does not deny what he did and he is not proffering any excuses therefor. All Villena is asking is compassion from the Court as he deems that the penalty imposed is not commensurate to the infraction the Court thought he did and, to his mind, did not distinguish his lapses from one incited by ill motive or corrupted by malice. In other words, he stresses that there was no malice or bad faith on his part.

Villena, who has an unblemished career, has been truly remorseful and apologetic for his opposition to the motion to dismiss, which resistance he deemed as “pro-forma comment.” The Court is of the considered view that because the penalty imposed would remain in his record, it would affect his promotion or application for a higher office.

Accordingly, the Court favors the grant of the motion and reduces the penalty from payment of Fine in the amount of ₱10,000.00 to Reprimand, the same penalty imposed on his co-respondents. There is no need to stem the growth of his promising professional career.

“Penalties, such as disbarment, are imposed not to punish but to correct offenders. While the Court is ever mindful of its duty to discipline its erring officers, it also knows how to show compassion when the penalty imposed has already served its purpose.”⁶


WHEREFORE, the Motion for Reconsideration of respondent Vincent L. Villena is **PARTIALLY GRANTED**. The penalty imposed upon him is reduced from paying a fine of ₱10,000.00 to **REPRIMAND**.

SO ORDERED.



JOSE CATRAL MENDOZA
Associate Justice

⁶ Bar Matter No. 1222-G, Re: 2003 Bar Examinations, April 24, 2009.

WE CONCUR:




PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

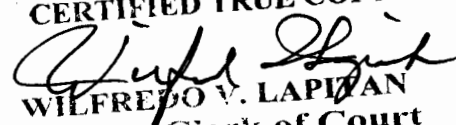


MARIANO C. DEL CASTILLO
Associate Justice

(On Leave)
MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice

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