Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **October 5, 2022**, *which reads as follows:*

"**A.C. No. 13043 (*Sps. Angelito P. Miranda and Nida T. Miranda*, *Complainants*, *v. Atty. Lolita H. De Villa*, *Respondent.*)** – This administrative case arose from a Complaint[1] filed by complainants Angelito P. Miranda (Angelito) and Nida T. Miranda (complainants), against Atty. Lolita H. De Villa (respondent), alleging that she, in her capacity as counsel for Julieta A. Gabule (Julieta) in Civil Case No. 4511-11 filed before the Regional Trial Court of Imus, Cavite, Branch 22 (RTC), willfully disobeyed and defied the orders of the RTC and exhibited unethical and unprofessional conduct.

The Facts

As early as February 2011, respondent acted as Julieta's counsel in Civil Case No. 4511-11, which was filed against complainants before the RTC.[2] On March 18, 2015, a handwritten Compromise Agreement[3] prepared by respondent was entered into by Nancy Topacio, Julieta's attorney-in-fact, and complainants before the Philippine Mediation Center.[4] In the compromise agreement, Julieta agreed to pay complainants the sum of ₱900,000.00, and in exchange therefor, complainants shall deliver the title and execute a deed of sale/reconveyance in favor of Julieta to settle the civil case.[5]

On July 24, 2015, complainants filed a Motion to Render Compromise Judgment[6] (Motion) before the RTC, which was set for hearing on August 10, 2015.[7] Both Julieta and respondent failed to appear during the scheduled hearing. As to Julieta, it appeared that she was not notified thereof.[8] Thus, the RTC reset

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1 Dated March 30, 2016. *Rollo*, pp. 1–7.
2 Id. at 1.
3 Id. at 16.
4 See id. at 2.
5 See id. at 16.
6 Id. at 8–10.
7 See id. at 11.
8 See id.

the hearing of the Motion to March 7, 2016.[9] Nonetheless, complainants, in a Manifestation on "Motion to Render Compromise Judgment,"[10] asserted that respondent, who has been consistently representing Julieta, was notified of the Motion and the setting of the hearing on August 10, 2015, as evidenced by the LBC Express, Inc. (LBC) courier dispatch report.[11]

On the scheduled hearing on March 7, 2016, Angelito appeared on behalf of complainants. On the other hand, Julieta was represented by a certain "Edwin Aninon," who appeared and contested the compromise agreement entered into by the parties to settle the civil case.[12] Thus, the RTC required Julieta to file a comment/opposition, while complainants were given the opportunity to file a reply thereto.[13]

During the pendency of the said Motion, respondent withdrew as Julieta's counsel, through a Withdrawal of Appearance[14] dated March 21, 2016. On the same date, Licayu Law Offices, represented by Atty. James M. Licayu (Licayu), entered its appearance for Julieta as her new counsel.[15] On March 29, 2016, the RTC granted respondent's withdrawal of appearance and took note of Licayu's entry of appearance.[16]

Thus, Julieta, through Licayu, filed her Comment/Opposition[17] dated April 15, 2016, while complainants filed their Reply[18] thereto on April 28, 2016. In Julieta's opposition, it was alleged that the compromise agreement was grossly disadvantageous to her and questioned the terms allegedly agreed upon during the mediation. Consequently, on May 16, 2016, the RTC issued a Resolution[19] denying the Motion, and thereafter, ordered the civil case to be removed from its docket.[20]

Considering the foregoing, complainants filed the instant complaint against respondent before the Integrated Bar of the Philippines (IBP), claiming that the latter committed unethical conduct when she delayed the enforcement of the compromise agreement through different acts. In particular, complainants alleged that respondent committed the following unethical acts: (*a*) respondent willfully disobeyed the orders of the RTC for her failure to appear during the scheduled hearings on August 10, 2015 and March 7, 2016; (*b*) respondent connived with Rosevida Nocum, a court staff of the RTC, to show that she was not notified of the scheduled hearing on August 10, 2015; and (*c*) respondent

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9 See Order dated August 10, 2015 issued by Acting Presiding Judge Gloria Butay Aglugub; id.
10 Id. at 12–14.
11 Id. at 15.
12 See Order dated March 7, 2016 issued by Executive Judge Mary Charlene V. Hernandez-Azura; id. at 45.
13 See id.
14 Id. at 107.
15 See Entry of Appearance with *Ex-Parte* Motion for Extension of Time to File Comment/Responsive Pleading; id. at 108–110.
16 See Orders dated March 29, 2016; id. at 111–112.
17 See Comment/Opposition (To: Defendants' Motion to Render Compromise Judgment); id. at 113–119.
18 See Reply (To Comment/Opposition to Motion to Render Compromise Judgment); id. at 120–123.
19 Id. at 131.
20 See Resolution dated May 19, 2016; id. at 132.

connived with Julieta in drafting the compromise agreement only for the latter to repudiate the same, resulting to delay in settling the ongoing dispute.[21]

In defense, respondent denied the accusations alleged by complainants. Anent her failure to attend the scheduled hearings dated August 10, 2015 and March 7, 2016, she denied having deliberately done the same to delay the proceedings. She denied having been notified of the scheduled hearing set on August 10, 2015, contrary to complainants' allegation. According to her, the RTC did not consider their allegation that she was notified of the hearing set on August 10, 2015 as proved by the LBC courier dispatch report. She likewise denied having knowledge of complainants' accusation that she was in connivance with Rosevida Nocum. On the other hand, respondent did not attend the March 7, 2016 hearing because, prior to that date, Julieta requested that she withdraw from appearing on her behalf.[22]

Regarding complainants' allegation that she connived with Julieta in delaying the settlement of the dispute through the compromise agreement, she argued that she could not guarantee Julieta's compliance with the terms of the compromise agreement. She stated that Julieta could not comply with the terms of the agreement due to marital and financial problems. Moreover, the compromise agreement could not have been drafted to cause delay because the same was consented to by complainants and the mediator.[23]

The IBP's Report and Recommendation

In a Report and Recommendation[24] dated January 24, 2017, the Investigating Commissioner (IC) recommended that the case be dismissed for lack of merit.

The IC found that no fault or negligence can be attributed to respondent during the proceedings of the dispute between Julieta and complainants. This was seen through her efforts to forge a settlement by drafting the compromise agreement. Moreover, Julieta's refusal to comply with the compromise agreement could not have been attributed to respondent for complainants' failure to adduce evidence that respondent deliberately employed measures to delay the disposition of the case. Moreover, the IC found that respondent's absences in the scheduled hearings on August 10, 2015 and March 7, 2016 were not malicious for failure of complainants to adduce the same. The IC opined that her absence during the March 7, 2016 hearing was justified, considering that she was already discharged by Julieta and that the latter had already engaged the services of

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21 See id. at 4–6. See also Position Paper dated September 13, 2016; id. at 154–171.

22 See Answer dated April 29, 2016; id. at 24–32. See also Position Paper dated July 19, 2016; id. at 173–182.

23 See id.

24 Id. at 187–196. Signed by Commissioner Juan Orendain P. Buted.

another counsel.[25]

In a Notice of Resolution[26] dated November 7, 2018, the IBP Board of Governors adopted the findings of fact and recommendation of the IC.

Aggrieved, complainants filed a Motion for Reconsideration[27] of the dismissal of the administrative case. Thereafter, respondent filed her Comment[28] thereto. In a Notice of Resolution[29] dated February 28, 2020, the IBP Board of Governors denied the said motion for reconsideration.

The Issue Before the Court

The issue before the Court is whether respondent should be held administratively liable for the acts complained of.

The Court's Ruling

The Court adopts the findings and recommendations of the IBP with certain modifications as will be discussed below.

It is a settled rule that the quantum of proof required to hold lawyers liable in administrative cases is substantial evidence — which is more than a mere scintilla but is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[30] In *Reyes v. Nieva*,[31] the Court had the opportunity to discuss the rationale as to why substantial evidence as the quantum of proof in administrative cases is more in keeping with the policy considerations in the discipline of lawyers, *viz.*:

> Besides, the evidentiary threshold of substantial evidence — as opposed to preponderance of evidence — is more in keeping with the primordial purpose of and essential considerations attending this type of cases. As case law elucidates, "**[d]isciplinary proceedings against lawyers are *sui generis*. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but is rather an investigation by the Court into the conduct of one of its officers. Not being intended to inflict punishment, it is in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein.** It may be initiated by the Court *motu proprio*. Public interest is its primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the

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25 See id. at 195.
26 Id. at 186. Signed by Assistant National Secretary Doroteo L.B. Aguila.
27 See Motion for Reconsideration (For Complainants) dated May 27, 2019; id. at 197–213.
28 See Comment on the Motion for Reconsideration of Complainants dated July 18, 2019; id. at 215–217.
29 Id. at 231–232. Signed by National Secretary Roland B. Inting.
30 *Reyes v. Nieva*, 794 Phil. 360, 379 (2016), citing *Foster v. Agtang*, 749 Phil. 576, 597 (2014).
31 Id.

> Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. In such posture, there can thus be no occasion to speak of a complainant or a prosecutor."[32] (emphasis and underscoring supplied)

Verily, the burden to prove the misconduct of a lawyer rests on the complainant to establish the allegations in his/her complaint.[33] This is in accordance with the legal presumption that an attorney is innocent of the charges against him/her until the contrary is proved, and that as an officer of the Court, he/she is presumed to have performed his/her duties in accordance with his/her oath.[34] Reliance on mere allegations, conjectures, and supposition of an attorney's alleged acts cannot be given credence absent any proof by substantial evidence.[35] Thus, the complainant's failure to discharge his/her burden of proof by substantial evidence requires no other conclusion than that which stays the hand of the Court from meting out a disbarment or suspension order,[36] as in this case.

As correctly observed by the IBP, complainants were unable to prove the alleged acts of misconduct committed by respondent through substantial evidence. A review of the records would show that complainants failed to adduce any form of evidence to prove that respondent intended to delay the resolution of the dispute between Julieta and complainants. In particular, there was no evidence presented to show that respondent acted with malice for her non-attendance in the hearings scheduled on August 10, 2015 and March 7, 2016. Similarly, there was no evidence to show that respondent connived with Rosevida Nocum in suppressing the existence of a notice to respondent to attend the August 10, 2015 hearing. Lastly, complainants were unable to present evidence that respondent advised Julieta in repudiating the compromise agreement. As the IBP noted, respondent could not be faulted for Julieta's repudiation of the compromise agreement, considering that the opposition to the rendering of a compromise judgment was done by Licayu — after Julieta requested that respondent withdraw as her counsel.

Considering the foregoing, the administrative case against respondent should be dismissed for lack of merit.

Nonetheless, the Court does not find respondent totally absolved of any responsibility. In the case of *Anastacio-Briones v. Zapanta*,[37] the Court ruled that until a lawyer's withdrawal shall have been approved, he/she remains counsel of

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[32] Id. at 379–380.
[33] See *Tan v. Alvarico*, A.C. No. 10933, November 3, 2020.
[34] See id.
[35] See id.
[36] See id.
[37] 537 Phil 218, 223 (2006), citing *Orcino v. Gaspar*, 344 Phil. 792, 800–801 (1997).

record and is expected by his/her client, as well as by the court, to do what the interests of his/her client require. He/she must still appear on the date of hearing as the attorney-client relation does not terminate formally until there is a withdrawal of his/her appearance on record.[38]

In this case, respondent admitted that she did not attend the March 7, 2016 hearing despite being notified by the RTC. She claimed that she was informed by Julieta of the latter's decision to discharge her as counsel prior to the scheduled hearing. However, her claim of being discharged prior to the March 7, 2016 hearing is negated by the record that she only withdrew her appearance on March 21, 2016, and said withdrawal was only approved by the RTC on March 29, 2016. Thus, until her withdrawal as Julieta's counsel was made on record, any judicial notice sent to her was binding upon her client even though as between them the professional relationship may have been terminated.[39]

For failure to comply with the proper procedure of withdrawing as counsel, the Court, in the case of *Orcino v. Gaspar*,[40] admonished the respondent therein to exercise more prudence and judiciousness in dealing with his client even if the client was not prejudiced by his withdrawal. Considering the foregoing, the Court reminds respondent that she should exercise more diligence in settling these kinds of matters to avoid similar instances in the future. Thus, the Court finds that an admonition should suffice consistent with the case of *Advincula v. Macabata*,[41] to wit:

> While it is discretionary upon the Court to impose a particular sanction that it may deem proper against an erring lawyer, it should neither be arbitrary and despotic nor motivated by personal animosity or prejudice, but should ever be controlled by the imperative need to scrupulously guard the purity and independence of the bar and to exact from the lawyer strict compliance with his duties to the court, to his client, to his brethren in the profession and to the public.
>
> x x x Only those acts which cause loss of moral character should merit disbarment or suspension, while those acts which neither affect nor erode the moral character of the lawyer should only justify a lesser sanction unless they are of such nature and to such extent as to clearly show the lawyer's unfitness to continue in the practice of law. x x x[42]

WHEREFORE, the complaint is **DISMISSED** for lack of merit. Nonetheless, respondent Atty. Lolita H. De Villa is **ADMONISHED** to be more circumspect in resolving matters with his/her client/s. She is **STERNLY WARNED** that a repetition of the same or similar act shall be dealt with more severely.

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38 Id.
39 *Aromin v. Boncavil*, 373 Phil. 612, 619 (1999).
40 Supra.
41 546 Phil. 431 (2007).
42 Id.

SO ORDERED."

By authority of the Court:

MisaelDCBatt
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court 1.17.23

Sps. Angelito P. Miranda & Nida T. Miranda
Complainants
No.19 January St., Congressional Village
1106 Project 8, Quezon City

Atty. Lolita De Villa
Respondent
Unit 247, 2nd Floor
CM Commercial Plaza, Bldg.,
Don Placido Campos Avenue, Dasmarinas City
4114 Cavite

JUDICIAL & BAR COUNCIL
Supreme Court, Manila

Atty. Amor P. Entila
Office-in-Charge
OFFICE OF THE BAR CONFIDANT
Supreme Court, Manila

Atty. Avelino V. Sales, Jr.
Director for Bar Discipline
INTEGRATED BAR OF THE PHILIPPINES
Dona Julia Vargas Avenue
Ortigas Center, 1600 Pasig City

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