

# Republic of the Philippines Supreme Court Manila

#### THIRD DIVISION

#### NOTICE

Sirs/Mesdames

Please take notice that the Court, Third Division, issued a Resolution dated February 20, 2023, which reads as follows:

"A.C. No. 13438 [formerly CBD Case No. 17-5364] (Elisa LL. Navarra v. Atty. Gina P. Ballebar). – This resolves the Complaint for Disbarment<sup>1</sup> filed by Elisa LL. Navarra (complainant) against Atty. Gina P. Ballebar (respondent) for violation of the Code of Professional Responsibility (CPR).

#### Antecedents

Sometime in 2013, complainant engaged the respondent's services as legal counsel in Civil Case No. 1917-2013 for Quieting of Title, Recovery of Possession with Damages, filed against the former's daughter-in-law Estily<sup>2</sup> B. Navarra (Estily) and her grandchildren (collectively, defendants), involving a property located at Antipolo Old, Nabua, Camarines Sur (Subject Property).<sup>3</sup>

During complainant's initial meeting with respondent, the latter allegedly boasted that she was in excellent terms with every Judge in Camarines Sur. Likewise, respondent purportedly intimated that she can win the case, as she is good friends with the Presiding Judge of the Municipal Circuit Trial Court (MCTC) of Nabua-Bato, where the action will be filed.<sup>4</sup>

Complainant related that she presented to respondent all the documents proving her ownership of the subject property, including the Extrajudicial Settlement of Estate with Sale<sup>5</sup> executed by the Heirs of Domingo Llegado dated March 26, 2011 (Extrajudicial Settlement), and the free patent application she filed before the Community Environment and Natural Resources Office (CENRO) of Iriga City. After which, respondent filed the case.<sup>6</sup>

(iii)

<sup>&</sup>lt;sup>1</sup> Rollo, pp. 1-8.

Also spelled as Estely in some parts of the *rollo*; id. at 1 and 16.

Id. at 1.

<sup>&</sup>lt;sup>4</sup> Id. at 2.

<sup>&</sup>lt;sup>5</sup> Id. at 109-110.

<sup>&</sup>lt;sup>6</sup> Id. at 3, 121, and 131.

To complainant's surprise and dismay, during the pre-trial of Civil Case No. 1917-2013, the defendants accused her of willful and deliberate forum shopping for filing the civil case, notwithstanding her application for a free patent over the subject property. In turn, the MCTC ordered respondent to file a Comment and to submit the judicial affidavits of the complainant and her witnesses. However, respondent allegedly failed to comply with the said directives. But the complainant and directives.

Subsequently, during the hearing scheduled on July 23, 2014,<sup>9</sup> respondent failed to appear despite due notice and sans justifiable excuse. Complainant lamented that respondent still collected her appearance fee of ₱1,000.00, notwithstanding her absence.<sup>10</sup>

Later, on October 8, 2014,<sup>11</sup> the MCTC ordered respondent to submit a Comment to defendant's Amended Answer<sup>12</sup> regarding the affirmative defenses of non-exhaustion of administrative remedies and forum shopping. However, respondent failed to submit any pleadings to defend complainant's interests.<sup>13</sup>

Thereafter, on March 18, 2015, the MCTC required the complainant to show cause why she should not be punished for indirect contempt for making a false statement in her Complaint and for violating the rule against forum shopping. Respondent did not controvert the charge. Consequently, complainant was found guilty of indirect contempt and was fined ₱5,000.00.<sup>14</sup>

Meanwhile, sometime in September 2015, respondent allegedly asked complainant for ₱15,000.00, which will be used to pay the former's contact at the Department of Environment and Natural Resources (DENR), Legazpi City, to expedite complainant's application for free patent. Later, respondent asked for an additional ₱1,000.00 to ensure the release of the title. However, the free patent was never released.¹⁵

Then, on October 27, 2015, respondent failed to appear at the hearing scheduled for the presentation of the defendant's first witness. As a result, the MCTC ruled that complainant's right to cross-examine the defendant's first witness was deemed waived.<sup>16</sup>

Again, on the November 18, 2015 hearing, respondent failed to appear despite notice. Thus, complainant's right to cross-examine the defendant's

<sup>&</sup>lt;sup>7</sup> Id. at 2.

<sup>&</sup>lt;sup>8</sup> Id. at 3.

<sup>&</sup>lt;sup>9</sup> Id. at 62.

<sup>&</sup>lt;sup>10</sup> Id. at 3.

<sup>&</sup>lt;sup>11</sup> Id. at 63.

<sup>&</sup>lt;sup>12</sup> Id. at 20-24.

<sup>13</sup> Id. at 3.

<sup>14</sup> Id.

<sup>15</sup> Id. at 4.

<sup>&</sup>lt;sup>16</sup> Id.

second and third witnesses was also considered waived. Nonetheless, respondent purportedly collected her appearance fee of ₱1,000.00.<sup>17</sup>

Complainant lost Civil Case No. 1917-2013. Respondent assured her that they will win on appeal, but never gave any updates. Anxious about the results of her case, complainant personally went to the Regional Trial Court (RTC) of Iriga City to inquire. She was surprised to learn that a Decision had been rendered, and that respondent received a copy of the said adverse ruling.<sup>18</sup>

Complainant blames respondent for mishandling Civil Case No. 1917-2013, for not informing her about the result of the appeal, and for not filing a motion for reconsideration. Likewise, she claims that the complaint for perjury filed by the defendants against her was spurred by respondent's failure to properly contest the charge of forum shopping in the defendant's Amended Answer. 19

On the other hand, respondent avowed that she properly performed her duties and sufficiently apprised the complainant of the status of Civil Case No. 1917-2013 until its termination.<sup>20</sup> She explained that she filed the said case on the basis of the information and documents presented to her by complainant, which included the Extrajudicial Settlement. She maintained that complainant never mentioned about her free patent application. She narrated that she only learned about the Deed of Absolute Sale dated September 15, 2011 executed by the Heirs of Domingo Llegado in favor of Reynold Navarra and Estily, as well as complainant's free patent application and Estily's Opposition thereto, in the defendant's Amended Answer.<sup>21</sup>

Moreover, respondent averred that contrary to complainant's allegation, she filed an explanation, to controvert the issue of forum shopping. However, she admitted that she did not challenge the indirect contempt charge, finding it futile, since complainant concealed her application for a free patent. Respondent related that she even paid the fine on complainant's behalf.<sup>22</sup>

Additionally, respondent clarified that the complaint for perjury stemmed from complainant's false statement in her application for a free patent dated March 29, 2011. She retorted that it was not related to her alleged failure to controvert the charge of forum shopping against complainant. She pointed out that said complaint for perjury was filed in December 2014, way

<sup>&</sup>lt;sup>17</sup> Id. at 4-5.

<sup>&</sup>lt;sup>18</sup> Id. at 5-6.

<sup>19</sup> Id. at 6.

<sup>&</sup>lt;sup>20</sup> Id. at 64.

<sup>&</sup>lt;sup>21</sup> Id. at 63.

<sup>&</sup>lt;sup>22</sup> Id at 63 and 93-94.

in advance of the Decision<sup>23</sup> dated May 2, 2016 in Civil Case No. 1917-2013.<sup>24</sup>

## **Investigating Commissioner's Report and Recommendation**

Commissioner Atty. Marian E. Atabug-Francisco (Commissioner Atabug-Francisco) issued her Report and Recommendation<sup>25</sup> dated March 10, 2021, finding that respondent violated Rule 18.03, Canon 18 of the CPR. She noted that respondent did not file a comment or position paper on the defendant's affirmative defenses as ordered by the MCTC, and failed to appear during the July 23, 2014, October 27, 2015, and November 18, 2015 hearings.<sup>26</sup> Accordingly, she recommended that respondent be reprimanded and sternly warned that a repetition of the same or similar acts will be dealt with more severely.<sup>27</sup>

However, Commissioner Atabug-Francisco ruled that complainant failed to substantiate the other charges, such as respondent's: (i) alleged non-submission of judicial affidavits; (ii) purported representations of close friendships with magistrates in Camarines Sur; (iii) collection of appearance fees despite absence at the scheduled hearings; (iv) failure to inform complainant about the adverse ruling on the appeal; and (v) demanding money for the approval of complainant's application for free patent.

## Integrated Bar of the Philippines-Board of Governors' Resolution

In the Extended Resolution<sup>28</sup> dated August 28, 2021, the Integrated Bar of the Philippines Board of Governors (IBP-BOG) increased the recommended penalty to suspension for six months, pursuant to *Alcantara v. Atty. Salas*,<sup>29</sup> where the respondent-lawyer was suspended for six months for failing to file an appellant's brief and update the Court of Appeals of his current mailing address. The IBP-BOG Resolution reads:

RESOLVED to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner in the instant case, to impose upon Respondent Atty. Gina P. Ballebar the penalty of SUSPENSION from the practice of law for Six (6) Months.

RESOLVED FURTHER, that the Commission prepare an EXTENDED RESOLUTION explaining the recommendation of the Board of Governors in this case.<sup>30</sup> (Emphasis and italics in the original)

Id. at 116-127; penned by Acting Presiding Judge Amelina Bernadette Corazon Palma-Cresini.

<sup>&</sup>lt;sup>24</sup> Id. at 92-93.

<sup>&</sup>lt;sup>25</sup> Id. at 155-162.

<sup>&</sup>lt;sup>26</sup> Id. at 160.

<sup>&</sup>lt;sup>27</sup> Id. at 162.

<sup>&</sup>lt;sup>28</sup> Id. at 163-166.

<sup>&</sup>lt;sup>29</sup> A.C. No. 3989, December 10, 2019.

<sup>&</sup>lt;sup>30</sup> *Rollo*, pp. 153-154.

The crux of the instant case is whether or not respondent violated Rule 18.03, Canon 18 of the CPR.

## Ruling of the Court

The Court adopts the recommendation of the IBP-BOG.

Respondent violated Rule 18.03, Canon 18 of the CPR when she failed to file a comment and attend three scheduled hearings.

A lawyer owes his or her clients unwavering devotion to their interests and warm zeal in the protection and defense of their rights.<sup>31</sup> Upon undertaking the client's cause, the lawyer pledges utmost fidelity, care, and devotion in its prosecution until its final conclusion.<sup>32</sup> Remarkably, this fealty is owed not only to the client, but also to the Court, of which the lawyer is an officer.<sup>33</sup>A betrayal of trust erodes the people's faith and confidence on the erring lawyer and tarnishes the image of the entire legal profession.<sup>34</sup>

In this light, Canon 18<sup>35</sup> of the CPR enjoins a lawyer to serve his or her client with competence and diligence. Further, Rule 18.03<sup>36</sup> forbids a lawyer from neglecting a legal matter entrusted to him or her. A lawyer is called to serve the client with competence and diligence and to exert his or her best efforts to protect, within the bounds of the law, the interest of the client. It is not enough that counsel is qualified to handle the legal matter, rather, he or she must adequately prepare and give appropriate attention to the legal work.<sup>37</sup> Competence demands not only knowledge of the law, but also calls for vigilance and diligence in the management of the cases, coupled with appropriate attention and due preparation.<sup>38</sup> In fact, the Court has consistently ruled that the lawyer's mere failure to perform the obligations due his or her client is *per se* a violation of Rule 18.03.<sup>39</sup>

# Respondent transgressed Rule 18.03, Canon 18 of the CPR when she failed to file a

Camara v. Reyes, 612 Phil 1, 7 (2009).

Talento v. Paneda, 623 Phil. 662, 671 (2009).

Legarda v. Court of Appeals, 285 Phil. 298, 308 (1992), cited in Abiero v. Juanino, 492 Phil. 149 (2005).

Camara v. Reyes, supra.

CODE OF PROFESSIONAL RESPONSIBILITY, Canon 18. A lawyer shall serve his client with competence and diligence.

CODE OF PROFESSIONAL RESPONSIBILITY, Rule 18.03. A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

<sup>&</sup>lt;sup>37</sup> Supra note 32, at 671, citing *Vda. De Enriquez v. San Jose*, 545 Phil. 379, 383 (2007).

<sup>&</sup>lt;sup>38</sup> Aguiman v. Mendoza, A.C. No. 10403, March 24, 2021.

Mitchell v. Amistoso, A.C. No. 10713, September 8, 2020, citing Ylaya v. Atty. Gascott, 702 Phil. 390, 407 (2013).

comment and attend three scheduled hearings.

Records reveal that respondent did not file a comment or position paper on the defendant's affirmative defenses of forum shopping, despite the reminders given by the MCTC. This is clear from the MCTC's January 1, 2015 Resolution, which states that:

[p]laintiff's counsel Atty. Gina P. Ballebar was given 15 days to respond by way of a comment or position paper on those affirmative defenses but, despite an extended wait for this as well as a number of informal follow-ups, already 71 days have lapsed without any such respondent. This court will no longer further wait to resolve this pending incident.<sup>40</sup>

In her defense, respondent claims that she submitted an Explanation<sup>41</sup> dated January 26, 2015. However, said Explanation was belatedly submitted after the MCTC resolved that it will no longer await respondent's comment.<sup>42</sup>

For unexplained reasons, respondent failed to tenaciously defend complainant by asserting the defenses and remedies warranted by applicable laws and jurisprudence. In fact, the MCTC gave respondent numerous chances to controvert defendant's allegations, through "informal follow-ups" and even waited for 71 days for her response. This notwithstanding, respondent ignored the MCTC's directive, to the complainant's detriment.

In addition, respondent failed to attend three scheduled hearings on July 23, 2014;<sup>44</sup> October 27, 2015;<sup>45</sup> and November 18, 2015,<sup>46</sup> despite due notice and sans justifiable reasons. Respondent admitted her failure to appear in the July 23, 2014 hearing. However, anent the October 27, 2015 and November 18, 2015 hearings, she conveniently averred that she had no knowledge and information to form a belief as to the truth of the allegations pertaining to her absence on said scheduled hearings.<sup>47</sup> Clearly, this is a denial in bad faith, as it is utterly impossible for her not to be aware of her own absence at the trial. In fact, her failure to appear was even stated in the MCTC's Orders.<sup>48</sup>

Unfortunately, respondent's absence in the scheduled hearings was prejudicial to the complainant's case. The hearing scheduled on October 27, 2015 was set for the presentation of the defendant's first witness, while the November 18, 2015 hearing was set for the presentation of the defendant's second and third witnesses.

<sup>&</sup>lt;sup>40</sup> Rollo, p. 27.

Id. at 68-70.

<sup>&</sup>lt;sup>42</sup> Id. at 27.

<sup>43</sup> Id.

<sup>&</sup>lt;sup>44</sup> Id. at 25.

<sup>45</sup> Id. at 34.

<sup>&</sup>lt;sup>46</sup> Id.

<sup>&</sup>lt;sup>47</sup> Id. at 64.

<sup>&</sup>lt;sup>48</sup> Id. at 34-35.

Due to respondent's failure to appear in both settings, the MCTC declared that complainant had waived her right to cross-examine the defendant's witnesses. Thus, the trial proceeded without the complainant exercising her right to cross-examine her opponent's witnesses and to controvert their statements. Complainant lost a crucial opportunity to test the accuracy of the witnesses' statements, their truthfulness, their freedom from interest or bias, as well as the chance to elicit other important facts bearing upon the issue.<sup>49</sup>

It cannot be gainsaid that the law is a service-oriented occupation. A lawyer is always expected to exhibit professional behavior in his or her dealings with the client. Counsel should always be mindful of the trust and confidence, not to mention the time and money, reposed in him or her by the client. Hence, once the lawyer accepts the engagement, he or she undertakes to protect the client's interest and take all steps or do all acts necessary therefor.<sup>50</sup>

In *Violago v. Atty. Aranjuez*,<sup>51</sup> the Court underscored that a lawyer must protect the client's interests to the best of his or her ability and with utmost diligence, serve in a conscientious, diligent, and efficient manner, and provide the quality of service at least equal to that which he or she would expect from a competent lawyer in a similar situation.<sup>52</sup> Sadly, respondent failed to abide by such standards of behavior.

Significantly, in the cases of Spouses Gimena v. Vijiga,<sup>53</sup> Barbuco v. Atty. Beltran,<sup>54</sup> Perla Compania de Seguros, Inc. v. Saquilabon,<sup>55</sup> Spouses Warriner v. Dublin,<sup>56</sup> Egger v. Atty. Duran,<sup>57</sup> Hernandez v. Padilla,<sup>58</sup> and Solidon v. Macalalad,<sup>59</sup> the Court chastised and penalized lawyers who failed to file necessary pleadings and accordingly, suspended them for six months.

In the same vein, in Caranza Vda. de Saldivar v. Cabanes, Jr., 60 and Quitazol v. Capela, 61 the Court categorically declared that the lawyers' non-attendance in scheduled hearings violates Rule 18.03 of the CPR, and warrants their suspension for six months.

<sup>49</sup> REVISED RULES OF EVIDENCE, Rule 132, Section 6.

Spouses Gimena v. Vijiga, 821 Phil. 185, 190 (2017), citing Uy v. Atty. Tansinsin, 610 Phil. 709, 714 (2009).

<sup>&</sup>lt;sup>51</sup> A.C. No. 10254, March 9, 2020.

<sup>&</sup>lt;sup>52</sup> Id., citing *Nonato v. Fudolin, Jr.*, 760 Phil. 52, 58-59 (2015).

<sup>53</sup> Spouses Gimena v. Vijiga, supra.

<sup>&</sup>lt;sup>54</sup> 479 Phil. 692 (2004).

<sup>&</sup>lt;sup>55</sup> 337 Phil. 555 (1997).

<sup>&</sup>lt;sup>56</sup> 721 Phil. 277 (2013).

<sup>&</sup>lt;sup>57</sup> 795 Phil. 9 (2016).

<sup>688</sup> Phil. 329 (2012).

<sup>&</sup>lt;sup>59</sup> 627 Phil. 284 (2010).

<sup>&</sup>lt;sup>60</sup> 713 Phil. 530 (2013).

<sup>&</sup>lt;sup>61</sup> A.C. No. 12072, December 9, 2020.

Equally noteworthy, in Lorenzana Food Corporation v. Daria,<sup>62</sup> the counsel who failed to file a position paper and did not appear in two consecutive hearings was suspended for six months. Suffering the same fate, in Heirs of Tiburcio F. Ballesteros, Sr. v. Apiag,<sup>63</sup> the lawyer who did not file a pre-trial brief and was absent during the pre-trial conference was meted with a similar penalty of six months suspension. Also, in Spouses Aranda v. Elayda,<sup>64</sup> the lawyer who failed to appear at the scheduled hearing and file the necessary pleading was suspended for six months.

Verily, these Court pronouncements highlight the vital dictum that a retained counsel must not sit idly, and leave the rights of the client in a state of uncertainty. Counsel must attend scheduled hearings or conferences, prepare and file the required pleadings, prosecute the handled cases with reasonable dispatch, until their termination without waiting for the client or the court to prod him or her to do so.<sup>65</sup>

The Court's rumination in *Quitazol v. Capela*<sup>66</sup> is instructive:

A lawyer's neglect of a legal matter entrusted to him constitutes inexcusable negligence for which he must be held administratively liable. From the perspective of ethics in the legal profession, a lawyer's lethargy in carrying out his duties, is both unprofessional and unethical, x x x

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Whenever lawyers take on their client's causes, they pledge to exercise due diligence in protecting the client's rights. Their failure to exercise that degree of vigilance and attention expected of a good father of a family makes them unworthy of the trust reposed in them by their client and make them answerable to their client, the courts and society. Here, Atty. Capela failed to exercise the required diligence in handling his client's cause. His failure to attend, despite notice, the four scheduled hearings on February 12, March 26, May 7, and August 6, 2014, constitutes inexcusable negligence. As the complainant's counsel of record, Atty. Capela is responsible for the conduct of the case in all its stages. His duty of competence and diligence includes not merely reviewing the case, and giving the client sound legal advice, but also properly representing the client in court, attending scheduled hearings, preparing and filing required pleadings, and prosecuting the case with reasonable dispatch, without waiting for the client, or the court to prod him to do so.  $\times \times \times$ . (Emphases and underscoring supplied; citations omitted)

Based on the facts of the case and the well-entrenched jurisprudence on the matter, respondent's negligence merits a six-month suspension from the practice of law.

<sup>&</sup>lt;sup>62</sup> 274 Phil. 712-720 (1991).

<sup>&</sup>lt;sup>63</sup> 508 Phil. 113 (2005).

<sup>653</sup> Phil. 1 (2010).

<sup>65</sup> Dagala v. Quesada, Jr., 722 Phil. 447, 457 (2013), citing Conlu v. Aredonia, Jr., 673 Phil. 1, 7 (2011).

<sup>66</sup> Supra note 61.

<sup>&</sup>lt;sup>57</sup> Id.

# Complainant failed to prove her other allegations of negligence.

Significantly, in disbarment proceedings, the quantum of proof is substantial evidence and the burden rests on the complainant to establish his or her allegations.<sup>68</sup> A lawyer enjoys the legal presumption that he or she is innocent of the charges, and performed his or her duties in accordance with the Code. It is incumbent on the complainant to prove otherwise. Mere allegations, conjectures and suppositions will not suffice.<sup>69</sup>

Complainant miserably failed to prove by substantial evidence her accusations that respondent: (i) bragged about having connections with Judges; (ii) knew about the free patent application; (iii) failed to submit her judicial affidavit and those of her witnesses; (iv) collected appearance fees despite failing to appear during the court settings; (v) demanded the amounts of ₱15,000.00 and ₱1,000.00 to expedite the release of her free patent application; (vi) failed to inform her about the status of her appeal; and (vii) was the reason why she was charged with perjury.

First, the allegations that respondent bragged about her connections with Judges and collected appearance fees notwithstanding her absence at the scheduled hearings, are unsubstantiated statements utterly bereft of credible proof.

Second, complainant failed to prove that she actually informed respondent about her pending application for a free patent. On the contrary, respondent related that she filed the complaint based on the information and representations proffered by complainant. There is no proof that respondent would have been so brazen as to file a civil case knowing fully well of the pending application for free patent, and its effect on the civil case; or so incorrigible as to have concealed such an essential piece of information. Absent convincing proof to the contrary, the Court accords respondent the presumption that she performed her duties as an officer of the court and filed the complaint truthfully.

Third, the records bear that respondent submitted complainant's and the latter's witnesses' judicial affidavits. The Decision in Civil Case No. 1917-2013 made reference to the complainant's testimony and identification of her judicial affidavit.

Fourth, there is nothing unethical about respondent's act of demanding. P15,000.00 and P1,000.00 from complainant. Respondent explained that the P15,000.00 served as the payment for the administrative proceeding and

Tan v. Atty. Alvarico, A.C. No. 10933, November 3, 2020, citing BSA Tower Condominium Corporation v. Atty. Reyes, 833 Phil. 588 (2018); Zara v. Atty. Joyas, A.C. No. 10994, June 10, 2019. See also Bernal, Jr. v. Atty. Prias, A.C. No. 11217, October 7, 2020; Tablizo v. Atty. Golangco, A.C. No. 10636, October 12, 2020.

Tan v. Atty. Alvarico, supra, citing Zara v. Atty. Joyas, A.C. No. 10994, June 10, 2019; see also Bernal v. Atty. Prias, supra.

perjury case she later had to handle for complainant. Also, considering her unease upon learning about the pending free patent application, she sought \$\mathbb{P}\$1,000.00 as travel expenses to check the status of complainant's title with the Register of Deeds.\(^{70}\)

Fifth, records belie complainant's claim that she was kept in the dark regarding the status of her appeal. Rather, the evidence shows that complainant even attended the Judicial Dispute Resolution on the appealed case on October 24, 2016.<sup>71</sup>

Sixth, respondent's failure to defend complainant against the allegation of forum shopping and the inclusion of the false statement in the complaint in Civil Case No. 1917-2013 did not give rise to the perjury charge. The Decision in said civil case was rendered on May 2, 2016, while the complaint for perjury was filed by defendants against complainant as early as December 2014.

Notably, the August 24, 2015 Information<sup>72</sup> charging complainant with perjury indicates that the perjurious act was committed on March 29, 2011 in relation to the complainant's application for a free patent, to wit:

That on or about March 29, 2011 at the Office of the CENRO, Sta. Cruz, Iriga City, Philippines and within the jurisdiction of this Honorable Court, said accused, with intent to commit falsehood, did then and there willfully, unlawfully and feloniously make and execute a notarized application for free patent before Marcelina G. Villafuerte, a competent person authorized to administer oath, for the purpose among others, of attesting to the fact that the land described and applied for as lot no. 3642, situated at Antipolo Old, Nabua is not claimed or occupied by any other person but is [a] public land which was first occupied and cultivated by Domingo Lledo sometime in 1995 and that she entered and began cultivation of the same on the 26th day of March 2011 and since then have [sic] continuously cultivated the land; and have [sic] thereon the following improvements: ["]Riceland", when in truth and in fact, she knows very well that such declaration is false as the land is owned by one Estily B. Navarra and her family and that the latter has been in open, public, continuous and adverse possession of the land since the year 2000, as they even built a house thereon, to the damage and prejudice of private complainant and that of public interest.

#### ACTS CONTRARY TO LAW. 73

Obviously, the act of perjury was committed long before complainant engaged respondent's services. Hence, respondent's failure to controvert the charge of forum shopping and the inclusion of the false statement in the complaint did not spur the criminal charge.

<sup>&</sup>lt;sup>70</sup> *Rollo*, p. 63.

<sup>&</sup>lt;sup>71</sup> Id. at 92.

<sup>&</sup>lt;sup>72</sup> Id. at 35.

<sup>&</sup>lt;sup>73</sup> Id

Based on the foregoing, respondent may only be held administratively liable for her failure to file a comment to the allegation of forum shopping and her absence at three scheduled hearings. The other charges, having no leg to stand on, will not be considered in the imposition of respondent's penalty.

All told, respondent is an officer of the court and an indispensable part of the administration of justice. Unfortunately, she acted unethically by exhibiting a lackadaisical attitude in defending the complainant and negligently handling the latter's case. Thus, to preserve the purity of the legal profession and the proper administration of justice, respondent is hereby suspended from the practice of law for six months. It is the Court's hope that this sanction reminds her of the nobility of the legal profession, and of her sworn duty to always serve her clients with competence and diligence.

WHEREFORE, respondent Atty. Gina P. Ballebar is found administratively liable for violation of Rule 18.03, Canon 18 of the Code of Professional Responsibility. She is SUSPENDED from the practice of law for a period of six (6) months, with a STERN WARNING that a repetition of the same, or similar acts will be dealt with more severely.

This Resolution takes effect immediately. Atty. Gina P. Ballebar is ordered to inform the Court and the Office of the Bar Confident in writing of the date she is notified hereof.

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be entered into Atty. Gina P. Ballebar'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 throughout the country for their information and guidance.

SO ORDERED."

By authority of the Court:

MISAEL DOMINGO C. BATTUNG III

Division Clerk of Court

Ms. Elisa LL. Navarra Complainant Antipolo Old, Nabua, 4434 Camarines Sur

Atty. Gina P. Ballebar Respondent No. 137 Zone 1 Balatas, 4400 Naga City

A.C. No. 13438 [Formerly CBD Case No. 17-5364] February 20, 2023

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