



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

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

“A.C. No. 13230 [Formerly CBD Case No. 17-5271] (*Michael J. Chicklas, James N. Chicklas and Yetchelda B. Almagro v. Atty. Inocencio A. De La Cerna,¹ Jr. And Atty. Hazan F. Bargamento*). – Before Us is a verified Complaint² for disbarment filed by complainants Michael J. Chicklas (Michael) and James N. Chicklas (James) (collectively referred as complainants) against respondents Atty. Inocencio A. De La Cerna, Jr. and Atty. Hazan F. Bargamento (collectively referred to as respondents) for violation of Rule 138, Section 20 (a) and (b) of the Rules of Court, and Canon 1, Rule 1.02 and Canon 15, Rule 15.07 of the Code of Professional Responsibility (CPR).

According to complainants, respondents authored, prepared, and assisted the spouses Manuel Warren Lucente and Agnes Lucente (spouses Lucente) in the filing of the initiatory complaint for deportation before the Bureau of Immigration. They claimed that the grounds relied in the deportation case were false and baseless since Michael was a Filipino citizen, who cannot be deported; and the alleged criminal offense committed by James in the United States of America was not verified and has been erased in accordance with the Connecticut State Law.

In their respective Answers,³ respondents denied that they assisted and tolerated spouses Lucente in filing the deportation case against complainants and prayed for the dismissal of the instant complaint.

In a Report and Recommendation⁴ dated 08 June 2018, the Investigating Commissioner of the Integrated Bar of the Philippines (IBP)

¹ Referred to as Atty. Inocencio A. Dela Cerna, Jr. in some parts of the *rollo*.

² *Rollo*, pp. 1-14.

³ *Id.* at 63-66; 80-89.

⁴ Integrated Bar of the Philippines-Commission on Bar Discipline Records, pp. 2-5. Signed by Commissioner Gilbert L. Macatangay.

recommended the dismissal of the complaint for failure of complainants to show in a satisfactory manner the facts on which they based their claims. The said Report and Recommendation was thereafter adopted by the IBP Board of Governors via Resolution⁵ dated 07 September 2019. Complainants moved for reconsideration but this was denied in a Resolution⁶ dated 09 January 2021.

The Court **NOTES** the Report and Recommendation of the Investigating Commissioner and the Resolutions dated 07 September 2019 and 09 January 2021 of the IBP Board of Governors, and resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations therein.

As the Court discussed in *Aguirre v. Reyes*:⁷

“In administrative proceedings, such as disbarment, the quantum of proof necessary for a finding of guilt is substantial evidence, *i.e.*, that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. Complainants have the burden of proving by substantial evidence the allegations in their complaints. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.”⁸

A perusal of the records reveals that complainants did not present substantial evidence to prove that respondents acted contrary to law and their oath which would warrant disciplinary action against them. Other than their allegation that respondents were the counsel of the spouses Lucente in a prior criminal complaint filed against James before the Metropolitan Trial Court of Mandaue City, complainants have no other evidence that respondents indeed prepared and assisted the spouses Lucente in the filing of the deportation case.

Hence, the Court agrees with the IBP Investigating Commissioner that complainants failed to discharge the burden of proof to satisfactorily prove the allegations in their complaint through substantial evidence.⁹

WHEREFORE, the instant administrative complaint against respondents Atty. Inocencio A. De La Cerna, Jr. and Atty. Hazan F. Bargamento is **DISMISSED**. Accordingly, the case is deemed **CLOSED** and **TERMINATED**.

⁵ Id. at 1. Signed by National Secretary Roland B. Inting.

⁶ Id., unpaginated. Signed by National Secretary Roland B. Inting.

⁷ *Atty. Aguirre v. Atty. Reyes*, A.C. No. 4355, 08 January 2020.

⁸ Id.

⁹ *See Deltaventure Resources, Inc. v. Martinez*, A.C. No. 9268, 30 September 2020.

SO ORDERED.” *Marquez, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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