



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **December 6, 2023**, which reads as follows:*

“A.C. No. 13853 [Formerly CBD Case No. 21-6566] (AMA EDUCATION CORPORATION, Complainant, v. ATTY. GABRIELLE FUENTES, Respondent). —The Court resolves the disbarment complaint¹ that AMA Education Corporation (complainant), represented by Bernadette O. Bautista, filed against Atty. Gabrielle Fuentes (respondent) with the Integrated Bar of the Philippines (IBP) for the alleged violation of Rules 1.01 and 1.02, Canon 1 of the Code of Professional Responsibility (CPR).

The Antecedents

On January 30, 2018, complainant and Silver Tree Real Estate Corporation (Silver Tree), represented by Allen Dy (Dy), entered into a contract of lease involving the Silver Tree Building located at San Miguel Avenue, Ortigas Center, Pasig City, for a term of three years.²

According to complainant, it sought a dialogue with Dy regarding the payment of its monthly rentals in view of the economic difficulties brought about by the COVID-19 pandemic. On May 28, 2021, several representatives of Dy arrived at the leased property and compelled complainant’s personnel to vacate the premises immediately. Complainant added that respondent thereafter arrived and ordered her team to lock the building and shut down the electric supply.³

This incident prompted complainant to file the present administrative case for respondent’s disbarment from the practice of law for the following reasons: *first*, ordering her team to padlock the leased property and disconnect the electric supply; and *second*, threatening its personnel that they would be forcefully dragged out of the building if they refused to vacate the premises immediately.⁴

¹ *Rollo*, pp. 4–9. Denominated as a Verified Complaint for Disbarment.

² *Id.* at 5.

³ *Id.* at 5–6.

⁴ *Id.* at 8.

In her defense, respondent argued that complainant had failed to provide sufficient proof to substantiate its allegation that she committed any unlawful, dishonest, immoral, or deceitful conduct as to warrant any disciplinary sanction against her. She stated that the instant disbarment complaint is clearly a baseless harassment suit intended to intimidate her.⁵

On January 31, 2022, complainant filed a Motion to Withdraw Complaint⁶ in which it informed the IBP of its decision not to pursue the case.

In the Order⁷ dated April 19, 2022, the IBP – Commission on Bar Discipline (CBD) declared that complainant's desistance from prosecuting the case will not result in the termination thereof pursuant to Section 5, Rule 139-B of the Rules of Court. Furthermore, the IBP-CBD directed the parties to file their respective verified position papers reminding them that their failure to submit the required pleading shall be deemed a waiver of their right to file it.

On May 24, 2022, respondent filed her Verified Position Paper. Complainant, however, did not file any position paper with the IBP-CBD.⁸

Report and Recommendation of the IBP

In the Report and Recommendation⁹ dated August 4, 2022, Investigating Commissioner Roderick R.C. Salazar III (Investigating Commissioner) recommended the dismissal of the disbarment complaint for lack of merit. The Investigating Commissioner pointed out that complainant failed to substantiate its allegations that respondent committed any violation of the CPR that would warrant her disbarment from the practice of law.¹⁰

In the Resolution No. CBD-XXV-2022-12-17¹¹ dated December 9, 2022, the IBP Board of Governors adopted and approved the findings and recommendation of the Investigating Commissioner to dismiss the disbarment complaint for lack of merit.

Issue

The issue for the Court's resolution is whether respondent should be held administratively liable for her actions.

⁵ *Id.* at 6769, Verified Answer.

⁶ *Id.* at 156–157.

⁷ *Id.* at 160.

⁸ *Id.* at 239, IBP Report and Recommendation.

⁹ *Id.* at 238–243.

¹⁰ *Id.* at 243.

¹¹ *Id.* at 236–237, Notice of Resolution.

The Ruling of the Court

After a careful review, the Court adopts and approves the findings and recommendation of the IBP to dismiss the present disbarment complaint for lack of merit.

It is settled that a lawyer is presumed to be innocent of the administrative charges against him or her until it is adequately proven otherwise. He or she, too, enjoys the presumption of having performed his or her duties as an officer of the Court in line with the Lawyer's Oath. To overcome these presumptions, the complainant in a disbarment proceeding must prove the allegations in his or her complaint with substantial evidence.¹²

As the IBP aptly pointed out, complainant failed to provide any evidence to prove the allegations in its disbarment complaint. To be clear, a copy of the criminal complaint¹³ for Grave Coercion that complainant filed against respondent in relation to the incident, which bore essentially the same allegations in the instant complaint, does not constitute as substantial proof of any wrongdoing on the latter's part.

Notably, in the Resolution¹⁴ dated November 23, 2021, the City Prosecutor of Pasig City already dismissed the Grave Coercion case for insufficiency of evidence, viz.:

... As evidenced by the demand letter and attached copies of the bounced checks, AMA reneged its obligation. Hence, securing the building and taking possession of the premises is a prerogative act or in the exercise of a lawful right of Silver Tree and its authorized representatives and will not constitute coercion.

Lastly, based on the affidavits of the respondents and the photographs submitted, it was clear that there was no intimidation nor immediate actual and imminent forced [ejectment] during the incident which compelled Ms. Bernadette Bautista and SG Michael Lloren to vacate the premises.¹⁵

All things considered, the obvious lack of evidence to support the allegations against respondent, coupled with complainant's *desistance* from prosecuting the case, necessarily warrants the dismissal of the disbarment complaint.

WHEREFORE, the Court dismisses the administrative complaint against respondent Atty. Gabrielle Fuentes for lack of merit.

SO ORDERED." (Dimaampao, J., on official leave).

¹² *Ricohermoso, et al. v. Atty. Arnado*, A.C. No. 13077 (Notice), March 21, 2022

¹³ *Id.* at 23-28, Affidavit-Complaint.

¹⁴ *Id.* at 226-232. Penned by Senior Assistant City Prosecutor Maria Benet T. Santos-Madamba.

¹⁵ *Id.* at 232.

By authority of the Court:

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