



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take note that the Court, First Division, issued a Resolution dated October 19, 2022, which reads as follows:

“A.C. No. 13158 [Formerly CBD Case No. 18-5832] (Simeon G. Enriquez, Jr. v. Atty. Jesus P. Casila). — This is a Complaint for Disciplinary Action and Disbarment¹ filed by Simeon G. Enriquez, Jr. (Simeon) before the Integrated Bar of the Philippines (IBP) against Atty. Jesus P. Casila (Atty. Casila).

Factual Antecedents

As of date of the institution of the administrative case, Simeon and Atty. Casila were residents of Veraville Executive Homes in Las Piñas City. Records reveal that there is an absence of a good and healthy relationship between them. Simeon narrated the following incidents to prove before the IBP the unpleasant character of Atty. Casila, to wit:

1. On February 2, 2008, Atty. Casila allegedly verbally abused and threatened Simeon’s 12-year old son, Joshua Ross Enriquez, which caused the child to be anxious and uneasy every time Atty. Casila is around;²

2. On August 11, 2018 at around 6:00 to 7:00 p.m., while Simeon was inside his house, Atty. Casila publicly accused him and in a loud voice that he was a “KAWATAN at MAGNANAKAW”. According to Simeon, Atty. Casila did this because he got displeased when he wanted Simeon to remove his motorcycle which was conveniently parked in front of Simeon’s house;³

¹ *Rollo*, pp. 1-5.

² *Id.*, unpaginated. Report and Recommendation, p. 2.

³ *Rollo*, pp. 1-2.

A handwritten signature in black ink, located in the bottom right corner of the page.

3. Atty. Casila on several instances challenged Simeon to a physical confrontation, shouting “LUMABAS ANG MATATAPANG;”⁴

4. Atty. Casila on several occasions, notwithstanding the complaint of Simeon, continues to park his car in front of Simeon’s house, thus, blocking Simeon’s driveway. Complainant Simeon was very particular about this as he is a cancer patient who might need to be rushed to the hospital anytime;⁵

5. Atty. Casila would allegedly always threaten Simeon and their other family members that he will file criminal and civil charges against them;⁶

According to Simeon, these acts, coupled with the live in arrangement of Atty. Casila with his mistress, amount to an infraction of the code of conduct that all members of the bar must follow.⁷

In his Answer, Atty. Casila denied all the allegations against him. Respondent asserted that complainant Simeon has committed perjury in deliberately asserting falsehoods in his complaint. He insisted that it was complainant who had been repeatedly blocking the road with his vehicle and motorcycle preventing Atty. Casila to pass to and from his designated parking area.⁸

The Commission on Bar Discipline (Commission) notified the parties to appear before the Commission for a mandatory conference, however, Simeon moved for the postponement of the conference due to health reasons.⁹ The motion was granted and the Commission set the conference to a later date. The Order resetting the conference was subsequently subjected to another motion, this time by Atty. Casila, asking the Commission to further cancel and reset the conference to another date due to the unavailability of the counsel of Atty. Casila. The conference was called, and not one of the parties appeared. Thus, the Commission terminated the conference and required the parties to file their respective position papers.¹⁰ On July 3, 2019, complainant filed before the IBP a Request for the Honorable Body to Decide on My Case¹¹ narrating how his health, due to his cancer, has deteriorated, which prevented him from travelling even on short distances. He asked the Commission to resolve the case against Atty Casila. Thus, it was only respondent who filed a position paper.¹²

⁴ Id. at 2.

⁵ Id. at 2-3

⁶ Id. at 2.

⁷ Id. at 1-4.

⁸ Id.

⁹ Id. at 61-64.

¹⁰ Id. at 70.

¹¹ Id. at 80.

¹² Id. at 105-111.

The Commission on September 11, 2019 issued a Report and Recommendation¹³ finding that complainant failed to provide clear and convincing evidentiary support to his allegations of misconduct against Atty. Casila due to his failure to attend the hearings and to submit his position paper/judicial affidavits of his witnesses. The Commission recommended the dismissal of the complaint.¹⁴

The Board of Governors on June 27, 2020 issued a Resolution¹⁵ adopting the report and recommendation of the Commission to dismiss the case.¹⁶ No Motion for Reconsideration/Petition for Review have been filed by either of the parties since.

Issue

The sole issue for the Court's resolution is whether Atty. Casila violated the code of conduct of lawyers.

Our Ruling

The complaint lacks merit.

In summary, complainant pleads for this Court to determine whether the acts of respondent, in frequently threatening complainant and their neighbors that he would file a criminal or civil case against them, in humiliating complainant in public, verbally abusing complainant's child, and other acts which may be characterized as power-tripping, are sufficient to disbar or sanction Atty. Casila.

Indeed, the Code of Professional Responsibility (CPR) may serve as basis for legal actions against lawyers. However, the complainant has the correlative duty to make his case and illustrate clearly that the acts of the erring lawyer amount to a violation of the CPR. At this juncture, it must be stressed that the duty of the Court is not only to discipline members of the Bar who contravene their sworn and sacred duty of partaking in the administration of justice, but also to protect them from unsubstantiated averments of violation of the CPR, among others.¹⁷

In this case, We find that complainant failed to specify the particular rules allegedly violated by respondent. Worse, complainant failed to substantiate or prove his averments. For this, this Court is inclined to dismiss the administrative complaint against Atty. Casila. In administrative and disbarment cases against lawyers, the complainant has the burden of proof to

¹³ Id., unpaginated.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ *Biliran v. Atty. Bantugan*, A.C. No. 8451, September 30, 2020.

establish the culpability of the lawyer by presenting the facts surrounding one's allegation and by producing substantial evidence thereof.¹⁸ We carefully examined the allegations in the complaint and found the same couched in general terms unsupported by substantial evidence. Complainant was not able to specify in detail the incidents that amount to violations of specific rules or canons of the CPR. Simeon merely narrated the series of interactions and events involving Atty. Casila.

Moreover, Simeon failed to attend the mandatory conference/hearing and to abide by the required submissions of the IBP. Notwithstanding, the IBP proceeded in its investigation and recommended the dismissal of the complaint against Atty. Casila, for lack of merit and factual basis.¹⁹

WHEREFORE, the administrative complaint against Atty. Jesus P. Casila is **DISMISSED** for lack of merit.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *11/3*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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¹⁸ *National Bureau of Investigation v. Najera*, G.R. No. 237522, June 30, 2020.

¹⁹ *Rollo*, unpaginated