



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

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

“A.C. No. 13199 [Formerly CBD Case No. 18-5591] (Olivia B. Hipolito, Complainant vs. Atty. Raquel Maloles-Salazar, Respondent). – The instant administrative case stemmed from the Verified Complaint¹ filed by complainant Olivia B. Hipolito (complainant) before the Integrated Bar of the Philippines (IBP) against respondent Atty. Raquel Maloles-Salazar (respondent) for alleged violation of the Lawyers Oath and the Code of Professional Responsibility.

Records disclose that complainant, as buyer, and respondent, as seller, executed a Contract to Sell² pertaining to a parcel of land located at Lot 29, Block 8, Phase 2, Malarayat Golf Club, Lipa City, Batangas, for the total amount of ₱2,600,000.00 payable by installment. On February 25, 2017, complainant was able to pay the entire purchase price. However, respondent did not execute a deed of absolute sale in complainant’s favor. She likewise failed to turn over the title to complainant.³ Then, on May 22, 2017, respondent apologized to complainant and informed the latter that she used part of the purchase price for lending purposes rather than for processing of title.⁴ Hence, the Complaint.⁵ Subsequently, complainant filed a

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¹ *Rollo*, pp. 3-13.

² *Id.* at 16-17.

³ *Id.* at 6.

⁴ *Id.* at 8.

⁵ *Id.* at 3-13.

Motion to Withdraw⁶ her Complaint⁷ with attached Compromise Agreement⁸ and Affidavit of Desistance.⁹ Complainant claimed that she wanted to withdraw the instant complaint because respondent had already complied with her contractual obligations.¹⁰

In the Report and Recommendation¹¹ dated January 15, 2019, the Investigating Commissioner recommended the dismissal of the complaint for lack of merit. Then, in its Resolution¹² dated September 12, 2020, the IBP Board of Governors approved and adopted the Investigating Commissioner's recommendation to dismiss the case after finding it to be fully supported by the evidence on record and the applicable laws and rules.

The Issue

The issue to be resolved in this case is whether respondent should be administratively disciplined.

The Court's Ruling

The Court finds no cogent reason to depart from the findings and recommendation of the IBP Board of Governors that the extant administrative complaint must be dismissed.

At the outset, the Court stresses that the filing by complainants of a compromise agreement and an affidavit of desistance does not *ipso facto* result in the termination of the disciplinary proceeding against lawyers, such as respondent, because complainants are merely witnesses to the inappropriate behavior of an erring lawyer.¹³ Nonetheless, jurisprudence dictates that lawyers enjoy the legal presumption that he or she is innocent of the charges proffered against him or her until the contrary is proved, and that complainants bear the burden of proving the allegations in their complaints by substantial

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⁶ Id. at 86-87.

⁷ Id. at 3-13.

⁸ Id. at 88-89.

⁹ Id. at 90.

¹⁰ Id. at 87.

¹¹ Id. at 107-109. Penned by Commissioner Eldrid C. Antiquiera.

¹² Id. at 105.

¹³ *Ereñeta v. Atty. Salvado*, A.C. No. 10424 (Notice), May 5, 2021.


evidence.¹⁴ Considering complainant's Motion to Withdraw¹⁵ the Complaint,¹⁶ the Compromise Agreement¹⁷ showing that respondent returned to complainant the amount of ₱2,600,000.00 plus interest of ₱100,000.00, and her Affidavit of Desistance,¹⁸ the Court is constrained to dismiss the Complaint.¹⁹

WHEREFORE, the disbarment complaint against Atty. Raquel Maloles-Salazar is **DISMISSED** for lack of merit. However, she is **REMINDED** to be more circumspect in her public and private dealings.

The Notice of Resolution No. CBD-2020-09-24 dated September 12, 2020 of the Integrated Bar of the Philippines' Board of Governors transmitted by letter dated October 5, 2021 of Atty. Avelino V. Sales, Jr., Director for Bar Discipline, together with the records of the case and flash drive file, is **NOTED**.

SO ORDERED." *Gaerlan, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *7/14*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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JUL 19 2022

Ms. Olivia B. Hipolito
Complainant
No. 214 Mahogany Street
Vilagio Subdivision, Dagatan
Lipa City, 4217 Batangas

Atty. Raquel M. Maloles-Salazar
Respondent
2nd Floor, Bailon's Building
Marawoy, Lipa City, 4217 Batangas

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¹⁴ *Philippine School of Business Administration, Inc.—Quezon City v. Atty. Paulino*, A.C. No. 12947 (Notice), February 10, 2021.

¹⁵ Id. at 86-87.

¹⁶ Id. at 3-13.

¹⁷ Id. at 88-89.

¹⁸ Id. at 90.

¹⁹ Id. at 3-13.



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