



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated September 12, 2022, which reads as follows:

“A.C. No. 13413 – (*Liwayway Andres and Jerry Raguindin v. Atty. Maria Angelica P. De Ramos*) — At the vortex of the present controversy is the *Sumbong*¹ filed by complainants Liwayway Andres (Liwayway) and Jerry Raguindin (Jerry) against respondent Atty. Maria Angelica P. De Ramos (Atty. De Ramos) for Violation of Canon 1, Rules 1.01, 1.02 and 1.03 of the Code of Professional Responsibility.

ANTECEDENTS

Complainant Liwayway, with her children by the late Carlos Andres, namely, Liza Andres and Ronnie Andres, and Pablo B. Francisco, filed before the Regional Trial Court, Binangonan, Rizal, Branch 68 (RTC) on 28 November 2000 a complaint² for easement of right of way. They averred that they were co-owners and possessors for more than fifty (50) years of three parcels of unregistered agricultural land in Pag-Asa, Binangonan, Rizal with a total area of more or less 10,500 square meters. A few years back, however, Sta. Lucia Realty and Development, Incorporated (Sta. Lucia Realty) acquired the lands surrounding the disputed property, developed the same into a residential subdivision known as the Binangonan Metropolis East, and built a concrete perimeter fence around it such that Liwayway and her co-plaintiffs were denied access from the disputed property to the nearest public road and *vice versa*. They thus prayed for a right of way within Binangonan Metropolis East so they can have access to Col. Guido Street, a public road.

¹ *Rollo*, Vol. I, pp. 4-9.

² *Rollo*, Vol. II (MR), pp. 69-73.

The RTC granted the complaint and concluded that Liwayway and her co-plaintiffs are entitled to an easement of right of way.³ On appeal, the Court of Appeals (CA) reversed the RTC and held that the evidence adduced by Liwayway and her co-plaintiffs failed to sufficiently establish their asserted ownership and possession over the property in dispute and hence, they have no right to demand an easement of right of way.⁴ In G.R. No. 201405 entitled “*Liwayway Andres, Ronnie Andres and Pablo Francisco v. Sta. Lucia Realty & Development, Incorporated*” (*Andres* case), this Court settled the controversy finding no error on the part of the CA in ruling that petitioners therein cannot demand an easement of right of way. Having failed to present proof of declaration that the contested land was an alienable and disposable public agricultural land, this Court concluded that petitioner’s claim of ownership has no leg to stand on.

Thereafter, Sta. Lucia Realty, represented by its counsel, herein respondent Atty. De Ramos, filed a complaint⁵ for ejectment on 19 July 2019 before the Municipal Trial Court of Binangonan, Rizal against herein complainants Liwayway and Jerry, among other persons, averring that Sta. Lucia Realty discovered on 20 July 2018 that they have occupied certain portions of the property in dispute by force, stealth, and intimidation, and that they refused to vacate the same despite demand.⁶

During the pendency of the ejectment proceedings, Liwayway and Jerry filed with the Integrated Bar of the Philippines (IBP) a *Sumbong*⁷ dated 4 November 2019, avouching that Atty. De Ramos, as counsel for Sta. Lucia Realty, made false allegations in the ejectment complaint by making it appear that their prior possession of the property in dispute was discovered by Sta. Lucia Realty only in 2018 despite its judicial admission in the previously-instituted action for easement of right of way that they were in actual physical possession of the property for more than fifty (50) years during the proceedings. Liwayway and Jerry proffered in evidence the Decision⁸ in the *Andres* case where this Court purportedly recognized their peaceful and continuous possession of the contentious property prior to 1990. Avowedly, the filing of the ejectment suit was attended by malice and ill motive for which Atty. De Ramos must be held administratively liable for having violated

³ See *Andres v. Sta. Lucia Realty & Development, Incorporated*, 767 Phil. 594-610 (2015).

⁴ Id. at 603.

⁵ *Rollo*, Vol. II (MR), pp. 102-107.

⁶ *Rollo*, Vol. I, p. 4.

⁷ Id. at 4-9.

⁸ *Rollo*, Vol. II (MR), pp. 148-159.

Canon 1, Rules 1.01, 1.02, and 1.03 of the Code of Professional Responsibility.⁹

In his Report and Recommendation¹⁰ dated 28 July 2020, the IBP Director for Bar Discipline, Randall C. Tabayoyong, recommended that the complaint be dismissed for lack of merit. He observed that nowhere in the Court's Decision¹¹ in the *Andres* case did it recognize complainants' possession and ownership of the subject realty after it initially found that the property was an unregistered public agricultural land which had not been declared to be alienable and disposable, and thus could not be owned through prescription. Moreover, the findings of the CA in the easement case that Liwayway failed to sufficiently establish her asserted possession and ownership of the disputed property were never reversed and set aside by this Court in the *Andres* case. Ultimately, the Director for Bar Discipline found the charge against respondent insufficient to warrant an investigation, or much less to direct her to answer the same.¹²

In its Resolution No. CBD-2020-08-02¹³ dated 8 August 2020, the IBP Board of Governors adopted and approved the Director for Bar Discipline's recommendation to dismiss the complaint for lack of merit.

Perceivably, the singular issue for the resolution by this Court is whether or not Atty. De Ramos may be held administratively liable for violation of Canon 1, Rules 1.01, 1.02 and 1.03 of the Code of Professional Responsibility.

THE COURT'S RULING

After a perspicacious study of the case, the Court resolves to adopt and approve the findings and recommendation of the Director for Bar Discipline as approved by the IBP Board of Governors.

In administrative proceedings, 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.¹⁴ Further, the complainant has the burden of proving by substantial evidence

⁹ *Rollo*, Vol. I pp. 4-9.

¹⁰ *Id.* at 2-5.

¹¹ *Rollo*, Vol. I (MR), pp. 148-159.

¹² *Id.* at 4.

¹³ *Id.* at 1.

¹⁴ *Macaventa vs. Nuyda*, A.C. No. 11087, 12 October 2020.

the allegations in his complaint.¹⁵ The basic rule is that mere allegation is not evidence and is not equivalent to proof.¹⁶ Charges based on mere suspicion and speculation likewise cannot be given credence.¹⁷ In the present case, there is no sufficient, clear, and convincing evidence to hold Atty. De Ramos administratively liable for violation of Canon 1, Rules 1.01, 1.02, and 1.03 of the Code of Professional Responsibility.

Rules 1.01 to 1.03¹⁸ of Canon 1¹⁹ prohibit lawyers from engaging in “unlawful, dishonest, immoral or deceitful conduct[,]” from lending support to activities that undermine confidence in the legal system, and from encouraging suits with corrupt motives, respectively.

In the instant case, nothing in the record supports a finding that Atty. De Ramos acted with deceit or immorality, or supported any activity that undermined confidence in the legal system, or instituted the ejectment suit for any corrupt motive or interest. Complainants’ assertion that their actual and physical possession of the subject property for more than fifty (50) years was rendered conclusive by the judicial admission of such fact made by Sta. Lucia Realty is utterly misleading. The CA and this Court both noted Sta. Lucia Realty’s denial in its Answer that Liwayway and her co-plaintiffs have been in possession of the disputed property for more than fifty (50) years.²⁰ Moreover, in a forlorn attempt to sway this Court to hold Atty. De Ramos administratively liable, complainants deceptively avouch that this Court has previously recognized their right of possession over the property in the *Andres*²¹ case. However, as correctly observed by the Director for Bar Discipline and affirmed by the IBP Board of Governors, a reading of the said Decision discloses that the Court did not rule on complainants’ supposed possession considering that the disputed property was an unregistered public agricultural land which has not been declared to be alienable and disposable, and thus, incapable of being owned through prescription, viz.—

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ CODE OF PROFESSIONAL RESPONSIBILITY, Rule 1.01 — 1.03 provide:

RULE 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

RULE 1.02 A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

RULE 1.03 A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.

¹⁹ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 1 provides:

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

²⁰ *Rollo*, Vol. II (MR), p. 149; p. 152.

²¹ *Supra* note 3.

Sifting through petitioners' allegations, it appears that the subject property is an unregistered *public agricultural* land. Thus, being a land of the public domain, petitioners, in order to validly claim acquisition thereof through prescription, must first be able to show that the State has —

expressly declared through either a law enacted by Congress or a proclamation issued by the President that the subject [property] is no longer retained for public service or the development of the national wealth or that the property has been converted into patrimonial. Consequently, without an express declaration by the State, the land remains to be a property of public dominion and hence, not susceptible to acquisition by virtue of prescription.

In the absence of such proof of declaration in this case, petitioners' claim of ownership over the subject property based on prescription necessarily crumbles. Conversely, they cannot demand an easement of right-of-way from respondent for lack of personality.

All told, the Court finds no error on the part of the CA in reversing and setting aside the May 22, 2006 Decision of the RTC and in ordering the dismissal of petitioners' Complaint for Easement of Right-of-Way against respondent.²²

This Court has consistently held that an attorney enjoys the legal presumption that he is innocent of charges against him until the contrary is proved, and that as an officer of the court, he is presumed to have performed his duties in accordance with his oath.²³ Without evidence to the contrary, the presumption stands. While the Court will not avoid its responsibility in meting out the proper disciplinary punishment upon lawyers who fail to live up to their sworn duties, the Court will not wield its axe against those the accusations against whom are not indubitably proven,²⁴ especially in this case where the accusations against Atty. De Ramos are patently baseless.

WHEREFORE, the Resolution No. CBD-2020-08-02 dated 8 August 2020 of the Integrated Bar of the Philippines Board of Governors is hereby **APPROVED and ADOPTED**. The complaint against respondent Atty. Maria Angelica P. De Ramos is **DISMISSED** for lack of merit.

²² Id. at 606-607.

²³ *Aba v. De Guzman, Jr.*, 678 Phil. 588, 599-600 (2011).

²⁴ *Supra* note 15.

SO ORDERED.”

By authority of the Court:

MisDcBatt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court

JB 12/5/22

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