



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 5, 2022**, which reads as follows:*

“A.C. No. 13477 [Formerly CBD Case No. 18-5877] (Rebecca P. Salud, complainant, vs. Atty. Maria Rosencia Aparente-De Lumen, respondent). – The Court resolves the Complaint-Affidavit¹ filed by Rebecca P. Salud (Rebecca) before the Integrated Bar of the Philippines (IBP) charging Atty. Maria Rosencia Aparente-De Lumen (respondent) with the alleged violation of the Code of Professional Responsibility.

The Antecedents

In her Complaint-Affidavit,² Rebecca alleged that respondent had falsified several documents in relation to the sale of a parcel of land located in Lagao, General Santos City that she and her husband owned. Specifically, she alleged that respondent was guilty of falsifying: (a) a Deed of Sale dated January 9, 2017 between Roy Salud (Roy), her son, and a certain Wilson Cupang; (b) a Deed of Sale dated April 17, 2017 between Roy and Jose Prieto, his uncle; and (c) an Affidavit of Relationship.³

Rebecca argued that respondent, having falsified legal documents, was not worthy to remain as a member of the Bar.⁴

For her part, respondent vehemently denied Rebecca’s allegations in her Answer.⁵ While she admitted that she did notarize the documents in question, she insisted that she was merely a victim of Rebecca’s machinations in order to cause the transfer of ownership of the subject property.⁶

The IBP’s Report and Recommendation

¹ *Rollo*, pp. 1-5.

² *Id.*

³ *Id.* at 2, 72.

⁴ *Id.* at 3.

⁵ *Id.* at 29-33.

⁶ *Id.* at 30.

In the Report and Recommendation⁷ dated December 4, 2019, the Investigating Commissioner recommended the dismissal of the case against respondent considering Rebecca's failure to sufficiently prove the allegations in her Complaint-Affidavit.⁸

In the Resolution No. CBD-XXV-2021-12-09⁹ dated December 2, 2021, the IBP Board of Governors resolved to adopt and approve the recommendation of the Investigating Commissioner to dismiss the Complaint-Affidavit¹⁰ for lack of merit.

The Issue

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

The Court's Ruling

After a careful review of the case, the Court concurs with the recommendation of the IBP to dismiss the Complaint-Affidavit¹¹ for lack of merit.

It is settled that a lawyer is presumed to be innocent of the charges against him or her until proven otherwise. Likewise, as an officer of the Court, he or she also enjoys the presumption of having performed his or her duties in accordance with the Lawyer's Oath.¹²

To overcome these presumptions in disbarment proceedings, the complainant must establish by substantial evidence¹³ the allegations in his or her complaint.

In the case, the Court agrees with the IBP that Rebecca was unable to sufficiently prove her serious accusations of falsification and forgery against respondent. As the IBP pointed out, Rebecca, who had *no direct interaction with respondent*, did not have any personal knowledge of most of the allegations in her Complaint-Affidavit.¹⁴ In fact, her narration of events mainly consisted of things that her son, Roy Salud, purportedly told her about. Worse, Rebecca also submitted mere *unauthenticated photocopies* of the alleged falsified documents to the

⁷ Id. at 71-74. Penned by Commissioner Sherwin C. De Joya.

⁸ Id. at 73-74.

⁹ Id. at 69-70.

¹⁰ Id. at 1-5.

¹¹ Id.

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

¹³ Under Section 6, Rule 133 of the 2019 Amendments to the 1989 Revised Rules on Evidence, substantial evidence is defined as "that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion." See *Ricohermoso, et al. v. Atty. Arnado*, A.C. No. 13077 [Notice], March 21, 2022.

¹⁴ *Rollo*, pp. 1-5.

IBP.

The Court, too, notes the dismissal of the criminal complaints for Falsification of Public Documents and Use of Falsified Documents filed by Rebecca against respondent with the Office of the City Prosecutor of General Santos City.

Given the circumstances, the Court is constrained to dismiss the Complaint-Affidavit¹⁵ in view of Rebecca's failure to adequately establish that respondent had committed a misconduct that would warrant the imposition of any disciplinary sanction against her.

WHEREFORE, the administrative complaint against respondent Atty. Maria Rosencia Aparente-De Lumen is **DISMISSED** for lack of merit.

SO ORDERED."

By authority of the Court:

Misael D C Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court *B* 11/7/22

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¹⁵ Id.

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