



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 17, 2023** which reads as follows:*

**“A.C. No. 11802 [Formerly CBD Case No. 18-5666] (Ricardo Principe Pascual v. Atty. Godofredo C. De Guzman).** — The Notice of Resolution No. CBD-2021-04-02<sup>1</sup> dated April 10, 2021 of the Integrated Bar of the Philippines' Board of Governors, is **NOTED**.

This case stems from a Complaint-Affidavit<sup>2</sup> filed by Ricardo Principe Pascual (complainant) against Atty. Godofredo C. De Guzman (respondent). Complainant, a security guard of Wacuman Incorporated (Wacuman),<sup>3</sup> claims that respondent misrepresented himself as the counsel and authorized representative of the Bangko Sentral ng Pilipinas (BSP), and, together with one Atty. Crisolito O. Dionido (Atty. Dionido) and some armed individuals, forcibly entered Wacuman's property to supposedly conduct inspection and relocation survey thereon.<sup>4</sup>

Conciliation between the parties ensued, to no avail.<sup>5</sup> Hence, this disbarment complaint against respondent, who complainant accuses of violating the Lawyer's Oath, Code of Professional Responsibility, and Section 27 of Rule 138 of the Rules of Court, to wit:

Section 27. Attorneys removed or suspended by the Supreme Court on what grounds. —

A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for x x x any **violation of the oath** which he is required to take before the admission to practice x x x or **for corruptly or willfully appearing as an attorney for a party to a case without authority to do so.** (Emphases supplied)

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<sup>1</sup> Rollo, pp. 304-305.

<sup>2</sup> Id. at 1-4.

<sup>3</sup> Id. at 1.

<sup>4</sup> Id. at 2.

<sup>5</sup> Id.

In a Comment<sup>6</sup> dated November 27, 2017, respondent counters that the BSP, through Director Corazon Purugganan (Director Purugganan), authorized Atty. Dionido and his representative to apply for and secure permit/s and/or other related documents for the construction, development, or improvement of the relocation site for the informal settlers on property under the BSP's name.<sup>7</sup> The said property is located at Barangay San Mateo, Norzagaray, Bulacan.<sup>8</sup> Respondent claims that he is Atty. Dionido's authorized representative, and thus was not misrepresenting himself.<sup>9</sup>

Further, respondent alleges that it is actually Wacuman's people who encroached into BSP's property.<sup>10</sup> In fact, in a prior case entitled *BSP v. Secretary Atienza*, the owners of Wacuman were enjoined from developing and operating dumpsites within BSP titled property, but the former ignored the injunction.<sup>11</sup> Thus, Wacuman has come to court with unclean hands.<sup>12</sup>

For the foregoing reasons, respondent prays that the complaint against him be dismissed for lack of factual and legal bases.

In the Report and Recommendation of the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD), it recommended the dismissal of the administrative complaint against respondent.<sup>13</sup> The CBD held that the complainant failed to prove his allegations against respondent with clearly preponderant evidence,<sup>14</sup> whereas respondent was able to present a notarized authorization from Director Purugganan, and an Affidavit from Atty. Dionido as proof that he was duly authorized by the BSP.<sup>15</sup> Thus, respondent was not guilty of misrepresentation.<sup>16</sup>

We recommend the dismissal of the complaint against respondent and adopt the CBD's recommendation. However, We take this opportunity to clarify that the quantum of evidence required in administrative cases is *substantial evidence*,<sup>17</sup> and not clearly preponderant evidence which was stated in the CBD's recommendation. Substantial evidence is that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, while preponderance of evidence is that which is more convincing to the court or worthier of belief than that which is offered in opposition thereto.<sup>18</sup>

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<sup>6</sup> Id. at 33-37.

<sup>7</sup> Id. at 34.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id. at 36.

<sup>12</sup> Id. at 35.

<sup>13</sup> Id. at 309.

<sup>14</sup> Id.

<sup>15</sup> Id at 308.

<sup>16</sup> Id. at 309.

<sup>17</sup> *Reyes v. Atty. Nieva*, 794 Phil. 360, 379 (2016).

<sup>18</sup> Id.

In this case, complainant has not backed up the accusation with any proof, merely resting on bare assertions.<sup>19</sup> Thus, complainant has failed to discharge the burden of proving respondent's guilt by substantial evidence:

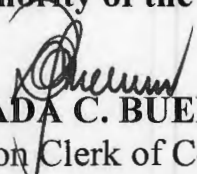
In administrative proceedings, the quantum of proof necessary for a finding of guilt is **substantial evidence**, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. Further, the complainant has the burden of proving by substantial evidence the allegations in his [or her] complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.<sup>20</sup> (Emphasis supplied)

On the other hand, respondent presented documents to support the allegation that the BSP has authorized him as its counsel, such as Director Purugganan's notarized authorization letter, and Atty. Dionido's affidavit.<sup>21</sup>

**WHEREFORE**, the present Complaint is **DISMISSED**.

**SO ORDERED.**"

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court<sup>th</sup>

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**230-A**

**FEB 03 2023**

Mr. Ricardo Principe Pascual  
Complainant  
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<sup>19</sup> *Rollo*, p. 308.

<sup>20</sup> *Supra* note 17.

<sup>21</sup> *Rollo*, pp. 308-309.