



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 25, 2023** which reads as follows:*

“A.C. No. 13234 [Formerly CBD Case No. 18-5740] (*Lelita Esperanza Okazaki v. Atty. Joseph* June Z. Rebuelta*). – Before Us is an administrative Complaint¹ filed by Lelita Esperanza Okazaki (Okazaki) against Atty. Joseph June Z. Rebuelta (Atty. Rebuelta) for the latter’s alleged violation of Canons 1, 19, (Rule 19.03) and 15 (Rule 15.06) of the Code of Professional Responsibility (CPR). On 09 November 2021, the Integrated Bar of the Philippines (IBP) Board of Governors (Board) transmitted to this Court the records of the case and the Notice of Resolution² dated 27 March 2021, which adopted the Report and Recommendation³ dated 28 June 2019 of the IBP Commission on Bar Discipline (CBD) recommending the dismissal of the Complaint.

Antecedents

The present Complaint emanated from Aquahealth Pure Drinking Water, Inc. (Aquahealth)’s purchase of five condominium units from Ludwig Tsai, through his attorney-in-fact, Okazaki, in May to June 2015. One of these units is Unit 205, Jolliland Condominium 1, located in Pasay City, Metro Manila. Aquahealth’s legal counsel is Sagayo Evangelista & Rebuelta Law Offices, where Atty. Rebuelta is a name partner.⁴

Pursuant to the sale, Aquahealth caused the cancellation of the Condominium Certificate of Title (CCT)⁵ of Unit 205 and the issuance and

* Also stated as “Josef” in some parts of the *rollo*.

¹ *Rollo*, pp. 1-3.

² *Id.*, unpaginated; signed by National Secretary Roland B. Inting.

³ *Id.*, unpaginated; penned by Commissioner Nelly Annegret Puno-Yambot.

⁴ *Id.* at 80.

⁵ *Id.* at 96.

registration of CCT No. 003-2015007298 in its name.⁶ Okazaki then requested for time to vacate Unit 205. Aquahealth agreed and gave Okazaki and her family a grace period within which to leave and vacate the unit. Despite such arrangement, Okazaki ultimately refused to do so. Aquahealth repeatedly demanded the occupants to vacate the premises, to no avail. Thus, Aquahealth filed a complaint for Unlawful Detainer against Okazaki and her family on 16 November 2016 before the Metropolitan Trial Court (MeTC) of Pasay City.⁷ The case was eventually resolved and the occupants vacated the unit in issue.⁸

On 31 July 2018, however, Atty. Reuelta received the Complaint dated 22 February 2018 filed by Okazaki.⁹

Per Okazaki, during the course of the above proceedings, Atty. Reuelta, along with one Sanny Agustin of Aquahealth and another male companion, padlocked her unit without any notice and court order. Atty. Reuelta allegedly said that nobody could stop them because they have strong connections with the court and the authorities. Atty. Reuelta also allegedly showed disrespect to the security guard of Jolliland Condominium as: (1) when the security guard asked Atty. Reuelta if they have authority to enter the unit, Atty. Reuelta said that they were authorized by the court but said authority will be issued later on; and (2) Atty. Reuelta threatened to sue the security guard if the latter will not allow them to enter the building.¹⁰

For his part, Atty. Reuelta averred that in December 2017, after Okazaki's attorney informed Aquahealth that Okazaki and her family already vacated the premises, the MeTC ordered Atty. Reuelta to inspect Unit 205 so it could finally dispose of the case. Atty. Reuelta also asked Okazaki's attorney if Aquahealth could freely enter and possess Unit 205 and he answered in the affirmative. Atty. Reuelta and his clients then proceeded to the unit to inspect and occupy it. They subsequently manifested the same to the MeTC and thus, the case was dismissed on 06 December 2017.¹¹ Atty. Reuelta was hence shocked when he received a complaint for disbarment as he merely performed his duties as counsel for Aquahealth.¹²

⁶ Id. at 80.

⁷ Id. at 80-81.

⁸ Id. at 81-82.

⁹ Id. at 82.

¹⁰ Id.

¹¹ Id. at 34-35.

¹² Id.

Report and Recommendation of the IBP

The IBP CBD, in its Report and Recommendation dated 28 June 2019, recommended the dismissal of the complaint against Atty. Rebuelta for lack of merit. Based on the court orders in the unlawful detainer case, the IBP CBD found that: (1) Okazaki manifested her departure from the unit, and (2) the MeTC indeed directed Aquahealth to inspect the premises. The IBP CBD also underlined that there is nothing on record to show that Okazaki filed any manifestation to question the court order or to inform the MeTC of any wrongdoing on the part of Aquahealth and/or Atty. Rebuelta when they entered, inspected and took possession of the subject premises. Thus, the IBP CBD adjudged that Okazaki failed to present evidence to support her allegations regarding Atty. Rebuelta's transgressions.¹³

In its Resolution No. CBD-2021-03-23¹⁴ dated 27 March 2021, the IBP Board approved and adopted the Report and Recommendation¹⁵ of the Investigating Commissioner to dismiss the complaint.

Issue

The sole issue for resolution is whether the administrative complaint should be dismissed.

Ruling of the Court

The Court adopts the findings and recommendation of the IBP.

At the outset, We underline that under Section 12 (b) and (c) of Rule 129-B of the Rules of Court, as amended by Bar Matter No. 1645 dated 13 October 2015, the IBP Board's resolution is merely recommendatory regardless of the penalty imposed on the lawyer. The amendment stresses the Court's authority to discipline a lawyer who transgresses his ethical duties under the CPR.¹⁶ Hence, any final action on a lawyer's administrative liability shall be done by the Court based on the entire records of the case, including the IBP Board's recommendation, without need for the lawyer-respondent to file any additional pleading.¹⁷ Pursuant to this, the IBP Board's resolution and the case records were forwarded to the Court.¹⁸ The latter is then bound to fully consider all documents contained therein, regardless of any further

¹³ Id., unpaginated; penned by Commissioner Nelly Annegret Puno-Yambot.

¹⁴ Id.

¹⁵ Id.

¹⁶ *Festin v. Zubiri*, 811 Phil. 1, 8 (2017).

¹⁷ Id.

¹⁸ Id.

pleading filed by any party.¹⁹

We now proceed to the crux of the instant case. Upon careful perusal of the records, We adopt the findings and recommendation of the IBP to dismiss the complaint against Atty. Rebuelta.

It is well-settled that in administrative proceedings against lawyers, complainants bear the burden of proving the allegations in their complaints by substantial evidence, and respondent is not obliged to prove his or her exception or defense.²⁰ It is also well established that an attorney enjoys the legal presumption that he or she is innocent of the charges proffered against him or her until the contrary is proved, and that, as an officer of this Court, he or she has performed his or her duties in accordance with his or her oath.²¹

Corollary to this, We underline that one who alleges a fact has the burden of proving it by means other than mere allegations.²² Basic is the rule that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.²³

With the above principles in mind, We agree with the IBP that Okazaki miserably failed to discharge her burden in this case.

While Okazaki insists that Atty. Rebuelta committed the alleged acts and utterances, there is nothing in the records which substantiate the same. We have meticulously scoured the records and found no evidence to prove Okazaki's averments. This Court cannot simply rely on Okazaki's bare assertion regarding Atty. Rebuelta's misdemeanor.

On the other hand, We note that in its Order dated 04 December 2017, the MeTC: (1) took notice of Okazaki's manifestation that she and her family had already left the premises, and (2) ordered Aquahealth to inspect the subject unit to determine if Okazaki and her family had truly vacated Unit 205.²⁴ Verily, Atty. Rebuelta merely performed his duties as legal counsel of Aquahealth in the unlawful detainer case filed against Okazaki.

¹⁹ Id.

²⁰ *Alag v. Senupe*, 842 Phil. 1, 9 (2018); *See Reyes v. Nieva*, 794 Phil. 360, 378-380 (2016); *Capinpin v. Espiritu*, A.C. No. 12537, 03 September 2020.

²¹ *Capinpin v. Espiritu*, supra.

²² *Social Security System v. Commission on Audit*, G.R. No. 243278, 03 November 2020, citing *Republic v. Catubag*, 830 Phil. 226, 235 (2018).

²³ *Capinpin v. Espiritu*, supra, citing *Cabas v. Atty. Sususco*, 787 Phil. 167, 174 (2016); *Dr. De Jesus v. Guerrero III*, 614 Phil. 520, 529 (2009).

²⁴ *Rollo*, pp. 34-35.

Even assuming that the padlock was replaced, this was consistent with Atty. Rebuelta's account regarding the MeTC proceedings and the mutual agreement between the parties on the inspection and possession of the subject premises. This is also in accordance with the: (1) MeTC Order dated 04 December 2017, and (2) manifestation of Aquahealth on 06 December 2017 which confirmed that it already inspected the property and took possession of the same. We agree with the IBP that if there was indeed any irregularity committed when Aquahealth inspected and took possession of the subject premises, then with more reason that Okazaki and her lawyer should have attended the 06 December 2017 hearing - which, conspicuously, they failed to attend.²⁵

Besides, “[a]s a rule, this Court exercises the power to disbar with great caution. Being the most severe form of disciplinary sanction, it is imposed only for the most imperative reasons and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and a member of the bar. x x x”²⁶ While this Court is firm in punishing lawyers who fail to live up to their sworn duties, We will, on the other hand, protect them from accusations that have failed the crucible of proof.²⁷

Thus, the Court finds that Okazaki did not present substantial evidence to show that Atty. Rebuelta violated the CPR.²⁸

WHEREFORE, premises considered, the Court resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations of the Investigating Commissioner in the attached Report and Recommendation dated 28 June 2019, which the Integrated Bar of the Philippines Board of Governors likewise adopted and approved. The Complaint against Atty. Joseph June Z. Rebuelta is hereby **DISMISSED**.

²⁵ Id.


²⁶ *Perito v. Baterina*, A.C. No. 12631, 08 July 2020, citing *Re: SC Decision dated May 20, 2008 in G.R. No. 161455 Under Rule 139-B of the Rules of Court v. Atty. Pactolin*, 686 Phil. 351, 355 (2012).

²⁷ *Goopio v. Maglalang*, 837 Phil. 565, 585 (2018).

²⁸ See *Perito v. Baterina*, supra.

SO ORDERED.” *Rosario, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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