



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames

*Please take notice that the Court, Third Division, issued a Resolution dated **January 16, 2023**, which reads as follows:*

“**A.C. No. 13060 (Atty. Gilda S. Mahinay v. Atty. Rowena Cia)**. – This administrative case stemmed from a Complaint<sup>1</sup> dated July 28, 2019, filed by Atty. Gilda S. Mahinay (complainant) against Atty. Rowena Cia (respondent) before the Integrated Bar of the Philippines (IBP) for violation of Canon 8 of the Code of Professional Responsibility.

**Facts**

Complainant alleged that she is the legal counsel of Bag-Ong Hulagway Relocation Association, Inc., which filed a complaint before the Housing Land Use and Regulatory Board (HLURB) against KTC Container Terminal Corporation, the client of respondent. Complainant attached in her Complaint a Manifestation<sup>2</sup> with HLURB Case No. HOA03-26-19-089, filed by respondent on behalf of her client. The Manifestation mentioned a news item that reported former President Rodrigo Roa Duterte’s speech on land reform wherein he warned and ordered the arrest of a certain “Atty. Mahinay” for land grabbing. In the news article, the former president reportedly stated, “*Kagaya nitong Kadamay, I’m warning you. Yung land grabbing ninyo style ng okupasyon. Basta ang order ko sa law enforcement, hulihin ninyo pati ‘yang Atty. Mahinay na ‘yan. Ipahuhuli ko talaga ‘yan.’*”<sup>3</sup> Thus, in her Complaint, complainant argued that respondent harassed her and attacked her integrity as a lawyer. According to complainant, respondent’s actuations violated Canon 8 of the Code of Professional Responsibility.

**Report and Recommendation of the IBP**

In his Report and Recommendation<sup>4</sup> dated January 14, 2020, Deputy Director for Bar Discipline Alfred Ramon Jose Ma. X.B. Nolasco (Deputy Director Nolasco) recommended that the complaint be dismissed for lack of

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<sup>1</sup> *Rollo*, pp. 1-8.

<sup>2</sup> *Id.* at 9-10.

<sup>3</sup> *Id.* at 11.

<sup>4</sup> *Id.* at 22-23.

merit. He found that the complaint and the document attached merely quoted a news article wherein the name of a certain Atty. Mahinay was mentioned. There was no indication that it pertained particularly to herein complainant. It could have referred to any of the several Atty. Mahinays in the Philippines. Likewise, there is no showing that complainant was impleaded as defendant or respondent in any case. Hence, the Deputy Director Nolasco found no proof of the alleged violation of the Code of Professional Responsibility and the Lawyer's Oath.

### **The Resolution of the IBP Board of Governors**

On January 26, 2020, the Board of Governors of the IBP passed a Resolution<sup>5</sup> adopting the Report and Recommendation of the Deputy Director for Bar Discipline, to wit:

**CBD Case No. 19-465**  
**Atty. Gilda S. Mahinay vs.**  
**Atty. Rowena Cia**

*RESOLVED to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Deputy Director for Bar Discipline in the above-entitled case and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, the case is hereby **DISMISSED** for lack of merit.*

### **Our Ruling**

After a careful review of the case, we adopt and approve the factual findings of the IBP, dismissing the complaint against respondent for lack of merit. Complainant miserably failed to present substantial evidence to support his accusations against respondent.

Lawyers are licensed officers of the court who are empowered to appear, prosecute, and defend; and upon whom peculiar duties, responsibilities, and liabilities are devolved by law as a consequence. Membership in the Bar imposes upon them certain obligations. Mandated to maintain the dignity of the legal profession, they must conduct themselves honorably and fairly.<sup>6</sup>

Canon 8 of the Code of Professional Responsibility provides:

CANON 8 - A lawyer shall conduct himself with courtesy, fairness and candor towards his professional colleagues, and shall avoid harassing tactics against opposing counsel.

The Court held that lawyers should treat their opposing counsels and other lawyers with courtesy, dignity, and civility. A great part of their comfort, as well as of their success at the bar, depends upon their relations with their

<sup>5</sup> Id. at 20-21. Signed by National Secretary Roland B. Inting.

<sup>6</sup> *Reyes v. Chiong, Jr.*, 453 Phil. 99, 104 (2003).

professional brethren. Since they deal constantly with each other, they must treat one another with trust and respect. Any undue ill feeling between clients should not influence counsels in their conduct and demeanor toward each other. Mutual bickering, unjustified recriminations, and offensive behavior among lawyers not only detract from the dignity of the legal profession, but also constitute highly unprofessional conduct subject to disciplinary action.<sup>7</sup>

Furthermore, complainant must prove by substantial evidence the allegations in her complaint. 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.<sup>8</sup> It is likewise well to remember that, in suspension or disbarment proceedings, lawyers enjoy the presumption of innocence.<sup>9</sup>

In the present case, complainant failed to establish that respondent violated Canon 8 of the Code of Professional Responsibility. There was no evidence to prove her allegation that respondent harassed her and attacked her integrity. As explained by Deputy Director Nolasco in his report and recommendation, complainant merely attached a news article in her complaint, where the name of a certain Atty. Mahinay was mentioned. It did not specifically refer to herein complainant, as there could be other Atty. Mahinays in the Philippines. In the absence of substantial evidence against respondent, the presumption of innocence subsists, and the complaint against her must be dismissed.

**WHEREFORE**, premises considered, the instant administrative case against Atty. Rowena Cia is hereby **DISMISSED**.

**SO ORDERED.”**

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAEL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
*st/w/s*

Atty. Gilda S. Mahinay  
Complainant  
MAHINAY-SAPIE LAW OFFICE  
No. 187 Dominica St., Solariega  
Plantation, Talomo, 8100 Davao City

Atty. Rowena Cia  
Respondent  
2/F Ravin Commercial Co

<sup>7</sup> See *Atty. Roque, Jr. vs. Atty. Balbin*, A.C. No. 7088, December 4, 2018.

<sup>8</sup> See *Cabas v. Atty. Sususco, et al.*, 787 Phil. 167, 174 (2016), citing *Dr. De Jesus v. Guerrero III, et al.*, 614 Phil. 520, 529 (2009).

<sup>9</sup> *Nocuenca v. Bensi*, A.C. No. 12609, February 10, 2020.

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**A.C. No. 13060**

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