



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated August 30, 2023, which reads as follows:*

“A.C. No. 10515 [Formerly CBD Case No. 15-4719] (Teresita G. Tamares, Complainant v. Atty. Jennifer R. Garcia-Laudencia, Respondent).— Before the Court is a Complaint-Affidavit<sup>1</sup> filed by Teresita G. Tamares (Teresita) against Atty. Jennifer R. Garcia-Laudencia (Atty. Laudencia), Chief of the Public Attorney’s Office (PAO) in San Jose, Occidental Mindoro, docketed as Administrative Case (A.C.) No. 10515. Teresita charged Atty. Laudencia with grave misconduct, consisting of trespass,<sup>2</sup> grave coercion,<sup>3</sup> usurpation of real rights,<sup>4</sup> and malicious mischief,<sup>5</sup> as well as violations of Rule 6.02,<sup>6</sup> Canon 6 of the Code of Professional Responsibility (CPR), and Section 1,<sup>7</sup> Article III of the 1987 Constitution.

The preventient facts, as culled from the records, are as follows:

Teresita is the paternal aunt of Atty. Laudencia, being the younger sister of her deceased father, Versuelo Garcia (Versuelo). Teresita and Versuelo have six other siblings, namely: Rosalia, Angelica, Rogelio, Alicia, Violeta, and Suertelita. Their parents, the late Spouses Severo Garcia (Severo) and

<sup>1</sup> Rollo, Vol I, pp. 1–9.

<sup>2</sup> Art. 281, Revised Penal Code. *Other Forms of Trespass.* — The penalty of *arresto menor* or a fine not exceeding 200 pesos, or both, shall be imposed upon any person who shall enter the closed premises or the fenced estate of another, while either of them are uninhabited, if the prohibition to enter be manifest and the trespasser has not secured the permission of the owner or the caretaker thereof.

<sup>3</sup> Art. 286, Revised Penal Code. *Grave Coercions.* — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any person who, without authority of law, shall, by means of violence, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong.

<sup>4</sup> Art. 312, Revised Penal Code. *Occupation of Real Property or Usurpation of Real Rights in Property.* — Any person who, by means of violence against or intimidation of persons, shall take possession of any real property or shall usurp any real rights in property belonging to another, in addition to the penalty incurred for the acts of violence executed by him, shall be punished by a fine of from 50 to 100 *per centum* of the gain which he shall have obtained, but not less than 75 pesos.

<sup>5</sup> Art. 327, Revised Penal Code. *Who are Liable for Malicious Mischief.* — Any person who shall deliberately cause to the property of another any damage not falling within the terms of the next preceding chapter shall be guilty of malicious mischief.

<sup>6</sup> Rule 6.02 — A lawyer in the government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.

<sup>7</sup> Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Consuelo Advincula (Consuelo), acquired during their lifetime a residential lot<sup>8</sup> in Brgy. Buenavista, Sablayan, Occidental Mindoro, containing an area of 913 square meters.<sup>9</sup>

In her Complaint-Affidavit, Teresita avouched that in December 1975, her parents offered her and her then betrothed, Oscar Tamares (Oscar), a 114-square-meter portion of the aforementioned lot on which was subsequently constructed a house that Oscar's parents promised the couple as a wedding gift. The following year, they occupied the house, fenced the entire area (913 square meters), and have continuously lived therein for 39 years.<sup>10</sup>

From the year 1980 onwards, four other siblings, namely, Violeta, Angelica, Rosalia, and Suertelita entered into the possession of their respective shares of 112 square meters each and paid for the corresponding real property taxes from 1987 to 2014. Teresita claimed that only Rogelio and the heirs of Versuelo failed to pay their share of the taxes despite her reminders. Sometime in May 2014, Atty. Laudencia's sister, Ellen Garcia-Marisga, offered to sell to Teresita their father's portion of the lot, which she declined as the price was too high. She likewise turned down a similar offer from Rogelio for the same reason.<sup>11</sup>

Teresita asseverated further that, on June 6, 2014, Atty. Laudencia, accompanied by her husband and brothers, entered Teresita's property without securing an order from the court, destroyed the existing fence, constructed a new one using hollow blocks and hog wire, "divided the house at the middle," and placed a sign that reads "VERSUELO GARCIA'S PROPERTY."<sup>12</sup> Aggrieved, Teresita reported the incident to barangay officials, who issued a "PATAWAG"<sup>13</sup> for Atty. Laudencia to answer the complaint against her, but to no avail. Thereafter, Teresita arranged a meeting with Atty. Laudencia before officers of the Sablayan Municipal Police Station, which she likewise refused.<sup>14</sup> Teresita also appeared before the Provincial Investigation and Detective Management Branch (PIDMB) in San Jose, Occidental Mindoro and issued a statement regarding the same incident.<sup>15</sup>

Teresita then wrote identical letters<sup>16</sup> to Rogelio and the heirs of Versuelo, expressly prohibiting them from entering the property until a proper partition is made. Teresita likewise manifested her willingness to discuss a possible extrajudicial settlement involving the realty in question, and to participate in a judicial partition should it be desired by her co-heirs. However,

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<sup>8</sup> *Rollo*, Vol I, p. 10. Transfer Certificate of Title (TCT).

<sup>9</sup> *Id.* at 1-2. Complaint-Affidavit.

<sup>10</sup> *Id.* at 2-4.

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

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *Id.* at 26.

<sup>14</sup> *Id.* at 27. Certification.

<sup>15</sup> *Id.* at 5-6. Complaint-Affidavit.

<sup>16</sup> *Id.* at 31-32. Letter.

Teresita received no response for said letters, and for all her other efforts to address the issue.<sup>17</sup>

Ineluctably, Teresita filed before the Court the instant Complaint-Affidavit, seeking the disbarment of her niece, whose actions have purportedly failed to live up to the standards required of a member of the legal profession. Teresita asserted that Atty. Laudencia did not only break the law but violated her rights with arrogance and abuse of power.<sup>18</sup>

Expostulating against her aunt's avowals, Atty. Laudencia averred that as a co-owner of the inherited lot, she had a right to be on the premises.<sup>19</sup> However, she denied entering Teresita's house and destroying parts thereof.<sup>20</sup> Prior to the incident in question, Teresita supposedly went to see Atty. Laudencia's mother, Eleanor Garcia (Eleanor), regarding the unpaid taxes amounting to ₱68,000.00 to be divided equally by the eight children of Severo and Consuelo. Teresita informed Eleanor that she and some of her siblings had already allocated among themselves their respective 114-square-meter portion in the lot in accordance with the locations designated by their parents, except for those who agreed to switch places for convenience. She likewise admitted that she had encroached on a section of the share of Eleanor's husband, and requested that the "minimal" obtrusion be "waived in her favor." However, Eleanor withheld her consent to such waiver pending consultation with her children. Teresita then encouraged Eleanor to visit the place and fence the parcel pertaining to Versuelo.<sup>21</sup>

Upon such prodding, Atty. Laudencia went to the lot on June 6, 2014, together with her husband and brothers, accompanied by their uncle, Rogelio, as well as the husband of Teresita's youngest sibling, Eduardo Dangers. While there, they measured the share pertaining to their father, which is adjacent to Teresita's, and discovered that their aunt had encroached on three meters of the five-meter frontage that each heir is entitled to. For this reason, and considering that Teresita was nowhere in the premises at that time, they placed a marker outside of her house to demarcate the extent of their claim.<sup>22</sup>

Atty. Laudencia, together with her mother and siblings, lost no time in filing a case for partition. The case was docketed as Civil Case No. R-1856 and raffled to Branch 45 of the Regional Trial Court (RTC) of San Jose, Occidental Mindoro.<sup>23</sup>

Teresita countered with an ejectment case, docketed as Civil Case No. 152 before the Municipal Trial Court (MTC) of Sablayan, Occidental

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<sup>17</sup> Id. at 6. Complaint-Affidavit.

<sup>18</sup> Id. at 6-8.

<sup>19</sup> Id. at 180. Answer/Comment.

<sup>20</sup> Id. at 152-153.

<sup>21</sup> Id. at 155.

<sup>22</sup> Id. at 156.

<sup>23</sup> Id. at 195-199. Petition for Judicial Partition.

Mindoro,<sup>24</sup> which was initially ruled in her favor in the Judgment<sup>25</sup> dated May 20, 2015. Subsequently, the appeal (Civil Case No. R-1915) before Branch 46 of the RTC of San Jose, Occidental Mindoro, upheld the decision of the MTC.<sup>26</sup> However, upon motion for reconsideration, the affirmance was reversed and the Complaint<sup>27</sup> dated June 16, 2014 was dismissed.<sup>28</sup>

Meanwhile, in the Resolution<sup>29</sup> dated June 17, 2015, the Court referred the instant administrative case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.

Ensuingly, the Commission on Integrity and Bar Discipline of the IBP (IBP-CIBD), through Commissioner Maria Eliza C. Hermosura, submitted its Report and Recommendation<sup>30</sup> dated June 21, 2019, recommending the dismissal of the disbarment complaint due to the dearth of evidence proving any grave misconduct that would warrant the sanction prayed for.

Whence, the IBP Board of Governors adopted the findings of fact and recommendation of the IBP-CIBD to dismiss the complaint for insufficiency of evidence in its Resolution<sup>31</sup> dated July 25, 2020.

### THE RULING OF THE COURT

*After an assiduous review of the records of the case, the Court resolves to adopt and approve the findings and recommendation of the IBP-CIBD, as affirmed by the IBP Board of Governors. The disbarment complaint against Atty. Laudencia must perforce be dismissed.*

At the pith of the bitter dissension between aunt and niece, which has, sadly, bespeckled our jurisprudence with similar colorful tales of disharmony among the closest of kin in the tug of war over inherited land, is the incident that occurred on June 6, 2014, where Atty. Laudencia and other members of Versuelo's family were said to have entered Teresita's property, destroyed the existing fence and constructed a new one, divided the house at the middle, and placed the sign "VERSUELO GARCIA'S PROPERTY." For these purported acts, Teresita seeks the disbarment of her niece on charges of grave misconduct, consisting of trespass,<sup>32</sup> grave

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<sup>24</sup> Id. at 205-210. Complaint for Ejectment with Damages.

<sup>25</sup> *Rollo*, Vol II, pp. 572-594. The Judgment dated May 20, 2015 was penned by Acting Presiding Judge Comelio A. Sy.

<sup>26</sup> Note: There is no copy of the decision on the appealed case on the records.

<sup>27</sup> *Rollo*, Vol I, pp. 205-210. Complaint for Ejectment with Damages.

<sup>28</sup> *Rollo*, Vol II, pp. 912-923. The Resolution dated January 22, 2020 was penned by Judge Gay Marie F. Lubigan-Rafael.

<sup>29</sup> Id. at 531-532. Notice.

<sup>30</sup> *Rollo*, Vol II, pp. 996-1004 Vol II. Report and Recommendation.

<sup>31</sup> Id. at 994-995. Notice of Resolution.

<sup>32</sup> Art. 281, Revised Penal Code.

coercion,<sup>33</sup> usurpation of real rights,<sup>34</sup> and malicious mischief,<sup>35</sup> as well as violations of Rule 6.02,<sup>36</sup> Canon 6 of the CPR and Section 1,<sup>37</sup> Article III of the 1987 Constitution.

In finding that Atty. Laudencia committed none of the criminal and administrative transgressions imputed upon her, the Investigating Commissioner of the IBP highlighted the following crucial points:

- 1.1. "Complainant admits that respondent and her siblings are entitled to a share in the 913 sq. m. lot owned by the parents of complainant and grandparents of respondent, Severo Garcia and Consuelo Advincula. To compel respondent's family to pay their share in the real estate tax on the inherited lot, complainant even encouraged respondent's family to already claim their corresponding share in the inherited lot ("Pinagsamang Salaysay" of Eleonor R. Garcia and Versuelo Garcia IV, Annex "9", Answer).
- 1.2. Earlier, four of complainant's siblings, namely: Violeta, Angelica, Rosalia and Suertelita already claimed and took possession of their share in the inherited lot. Angelica sold her share to Violeta who thereupon fenced and built a house on the area she got. Rosalia, on the other hand, sold her share to Suertelita who also fenced and built a house on her portion (pars. 13, 14, 15, 17, 18, Complaint).
- 1.3. In her Position Paper, complainant clarified that she is not taking issue on (sic) the act of respondent and her siblings in entering the inherited lot, they being her co-heirs on the property. This is an acknowledgment by complainant that respondent and her siblings have the right to enter the inherited lot and did not have to ask for her permission.
- 1.4. Prior to the incident on June 6, 2014, there was no existing conflict or misunderstanding between the parties that may impute bad faith on the part of respondent's family in doing what they did with their claimed portion of the inherited lot (Judicial Affidavit of Rogelio Garcia, Annex "13", Answer).
- 1.5. Contrary to the allegations of complainant, respondents and her siblings did not enter the house of complainant, destroyed nor divided it in the middle. What respondent and her siblings did was to put up a fence on their portion and placed a marker in front and at the back of complainant's house which they claim is within the boundary of their rightful share (Annexes "J", "K", "L", Complaint; Judicial Affidavit of Rogelio Garcia, Annex "13", Answer).
- 1.6. In her Answer to the Complaint, respondent avers that complainant has taken 238 sq.m. from the inherited lot which is way beyond the 114 sq.m. that is allotted for each heir, and which complainant herself

<sup>33</sup> Art. 286, Revised Penal Code.

<sup>34</sup> Art. 312, Revised Penal Code.

<sup>35</sup> Art. 327, Revised Penal Code.

<sup>36</sup> Rule 6.02 — A lawyer in the government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.

<sup>37</sup> Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

acknowledges as her share. This claim of respondent remain (sic) unrefuted by complainant even if she had the chance to do so.

- 1.7. There was no taking of complainant's property or possession thereof that took place. The markers that were placed in front of the exterior wall of complainant's house with the hog wire fence extending up to that portion did not deprive complainant of her possession. Complainant continued to use and have full control of her house. The number of boarders who were renting her house remained the same (Pre-trial Order, Civil Case No. 152, MTC, Sablayan, Occidental Mindoro; Annex "4", Answer; Judicial Affidavit of complainant's brother Rogelio Garcia, Annex "13", Answer; Complainant's letter dated June 11, 2014, Annex "S", Complaint).
- 1.8. There is also no evidence that violence, force or intimidation was employed by respondent in their act of securing and claiming their portion on the inherited lot. Nowhere in the Affidavits of Melody de Lara Ramirez (Annex "M", Complaint) and Noli Jaravata Curameng (Annex "N", Complaint), is there any allegation that force, violence or intimidation was employed by respondent or her siblings. Complainant's brother Rogelio Garcia who was also present during the incident on June 6, 2014 attests that he did not witness any disrespectful, arrogant, threatening or rude behavior on the part of respondent or any of her siblings towards any boarder or other people (Annex "13", Answer).
- 1.9. As admitted by complainant, nothing came out from the police investigation and her complaint filed with the Office of the Barangay Captain (pars. 37, 38, 39, 41, Complaint). It appears that no charges for the alleged violations of the RPC were instituted against respondent."<sup>38</sup>

The Court sees no reason to digress from the foregoing report and recommendation to dismiss the disbarment complaint against Atty. Laudencia. To be sure, mere pleadings and unreliable affidavits that had not been "tested in the crucible of thorough examination"<sup>39</sup> cannot lend credence to serious charges that, if properly substantiated, would entail not only Atty. Laudencia's disbarment but also possible criminal prosecution.

It bears stressing that in administrative cases for disbarment or suspension against a member of the Bar, the complainant bears the burden of proof to satisfactorily prove the allegations in her complaint through substantial evidence,<sup>40</sup> that is, such "relevant evidence as a reasonable mind will accept as adequate to support a conclusion."<sup>41</sup> Upon failure to discharge this burden by the complainant, the presumption of innocence stands in favor of the respondent lawyer.<sup>42</sup>

<sup>38</sup> *Rollo*, Vol II, pp. 1002-1003. Report and Recommendation.

<sup>39</sup> *Tumbaga v. Teoxon*, A.C. No. 5573, November 21, 2017, citing *Boyboy v. Yabut*, 449 Phil. 664-676 [2003].

<sup>40</sup> *Deltaventure Resources, Inc. v. Martinez*, A.C. No. 9268, September 30, 2020.

<sup>41</sup> *Tan v. Alvarico*, A.C. No. 10933, November 3, 2020.

<sup>42</sup> *Deltaventure Resources, Inc. v. Martinez*, A.C. No. 9268, September 30, 2020.

Here, the imputation that Atty. Laudencia “divided” Teresita’s house “at the middle” to paint a picture of destruction is belied by the photographs<sup>43</sup> that Teresita herself submitted in evidence, which clearly showed that her house remained intact. The “marker” that Atty. Laudencia and her family members erected with the use of a few pieces of hollow blocks can be seen outside of Teresita’s house. It served as an anchor for the hog wire fence that was put up to demarcate the portion belonging to Versuelo. On this score, the RTC clarified in the Resolution dated January 22, 2020, dismissing the ejectment case, *viz.*:

“A scrutiny of the records would reveal that defendants-appellants did not unlawfully deprive the plaintiffs-appellees of their possession over their property, as the fence that they erected were outside the premises of the plaintiffs-appellees’ claimed portion of the land. In the Pre-Trial Order, the plaintiffs-appellees admitted as one of its stipulations that the ‘fence was placed outside her house’ and that ‘the fence that was placed by the respondent in the area does not totally encompass the perimeter of the house of the plaintiffs.’ In other words, what the defendants-appellants delineated or enclosed was their abstract share in the inheritance, not including the portion to which the plaintiff-appellee is entitled.

x x x x”<sup>44</sup>

That Atty. Laudencia and her family members saw fit to delineate their share of the lot was justified by the encroachment, which Teresita attempted to deny but eventually admitted to in her Reply to Answer/Comment,<sup>45</sup> thusly:

“x x x x

(par) 6: It is worthy to state that the object of the Complainant’s 114 square meters did not exceed the ideal share held by the other seven (7) heirs co-owners. If it exceeded, it is only by mere one (1) meter. xxx

x x x x”<sup>46</sup>

It cannot be stressed enough that they were merely exercising their rights with respect to their perceived share of the inherited property. This is bolstered by the fact that only a few days lapsed before they filed a case for partition (Civil Case No. R-1856) against all the heirs of the late Spouses Severo and Consuelo Garcia, proving to all and sundry that Atty. Laudencia willingly submitted the resolution of the dispute to judicial authority. Thus, the Court does not find any basis to rule that Atty. Laudencia’s acts of protecting her proprietary interest manifested a lack of moral character or rendered her unworthy to continue as an officer of the court. There is likewise no iota of proof that she used her position as PAO Chief to advance her private interests, in violation of Rule 6.02 of the CPR, *vis-à-vis* the subject realty. The basic rule is that reliance on mere allegations, conjectures

<sup>43</sup> *Rollo*, Vol I, p. 19.

<sup>44</sup> *Rollo*, Vol II, p. 962. RTC Resolution.

<sup>45</sup> *Rollo*, Vol. I, pp. 377-394. Reply to Answer/Comment.

<sup>46</sup> *Id.* at 378.

and suppositions will leave an administrative complaint with no leg to stand on.<sup>47</sup>

Considering the serious consequence of disbarment, the Court has consistently held that only clear preponderant evidence would warrant the imposition of such a harsh penalty. It means that the record must disclose as free from doubt a case that compels the exercise by the Court of its disciplinary powers. The dubious character of the act done, as well as the motivation thereof, must be clearly demonstrated.<sup>48</sup> This, Teresita failed to do.

Thence, the failure on the part of Teresita to discharge her burden of proof by substantial evidence requires no other conclusion than that which stays the hand of the Court from meting out a disbarment order.<sup>49</sup> Needless to state, the primary purpose of administrative disciplinary proceedings against delinquent lawyers is to uphold the law and to prevent the ranks of the legal profession from being corrupted by unscrupulous practices — not to shelter or nurse a wounded ego, as in this case. This Court will only wield its power to disbar when substantial evidence would prove the lack of fitness to engage in the practice of law.<sup>50</sup>

**WHEREFORE**, the Resolution dated July 25, 2020 of the Integrated Bar of the Philippines Board of Governors is hereby **ADOPTED** and **APPROVED**. Perforce, the complaint against respondent **Atty. Jennifer R. Garcia-Laudencia** is hereby **DISMISSED** for lack of merit.

Accordingly, the case is considered **CLOSED** and **TERMINATED**.

**SO ORDERED.”**

By authority of the Court:

*Misael C. Battung III*  
**MISAEL DOMINGO C. BATTUNG III**  
Division Clerk of Court  
661  
11/16/23

Ms. Teresita G. Tamares  
Complainant  
Brgy. Buenavista, Sablayan  
5104 Occidental Mindoro

Atty. Jennifer R. Garcia-Laudencia  
Respondent  
Calderon St., Brgy. Labangan  
Poblacion, San Jose  
5100 Occidental Mindoro

<sup>47</sup> *Tan v. Alvarico*, A.C. No. 10933, November 3, 2020.

<sup>48</sup> *Yagong v. Magno*, 820 Phil. 291, 294 (2017).

<sup>49</sup> *Tablizo v. Golangco*, A.C. No. 10636, October 12, 2020, citing *Rico v. Madrazo, Jr.*, A.C. No. 7231, October 1, 2019.

<sup>50</sup> *Tan v. Alvarico*, A.C. No. 10933, November 3, 2020.



Atty. Amor P. Entila  
Officer-in-Charge  
OFFICE OF THE BAR CONFIDANT  
Supreme Court, 1000 Manila

Atty. Avelino V. Sales Jr.  
Director for Bar Discipline  
INTEGRATED BAR OF THE PHILIPPINES  
Doña Julia Vargas Avenue  
Ortigas Center, 1600 Pasig City

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