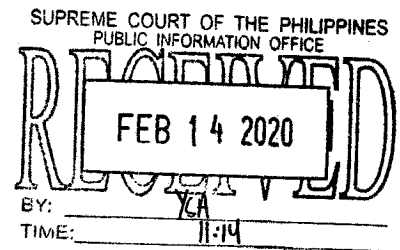




Republic of the Philippines
Supreme Court
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 5, 2020 which reads as follows:

“A.C. No. 12675 [Formerly CBD Case No. 17-5425] (*Roberto R. Ignacio v. Atty. Gregorio Cabantac*). – Before Us is an administrative complaint filed by complainant Roberto R. Ignacio as the attorney-in-fact of Teresa R. Ignacio against respondent Atty. Gregorio Cabantac. The complainant alleged that respondent should be reprimanded for acts that violate principles of justice and equity.

Complainant averred that Atty. Cabantac has entered and occupied without any legal right and authority on their property located in Project 8 known as Gardenville Subdivision. He further asserted that Atty. Cabantac constructed a house therein knowing fully well that it is part of the “open space” of the said subdivision, which title is under the name of Teresa R. Ignacio, the mother of complainant.¹

To bolster his claims, complainant added that the construction by Atty. Cabantac of the house is without a building permit, as evidenced by a Certification from the Department of Building Official. Complainant posited that Atty. Cabantac, representing himself as the authorized representative of the owner of the lot, encouraged the entry of informal settlers on their property by collecting rentals from them and providing services in order to prevent them from recovering their properties. In addition, complainant alleged that Atty. Cabantac filed a case with the Department of Environment and Natural Resources for clearing the property of debris caused by complainant’s act of allegedly cutting fruit trees, which complainant claimed to be fabricated by the respondent.²

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¹ Rollo, p. 2.

² Id.

The Integrated Bar of the Philippines (*IBP*) Investigating Commissioner recommended the dismissal of the instant case for lack of merit. The Commissioner elucidated that the complaint does not, and is not meritorious, considering that respondent, on the basis of the allegations and the complaint alone, does not appear to have committed any of the acts or causes specified in Section 27, Rule 138 of the Rules of Court or the Code of Professional Responsibility.³

The Commissioner pointed out that the alleged acts complained of do not merit the exercise of the disciplinary powers of the Supreme Court. The Commissioner further explained that since the central issue in the complaint is the ownership of the subject property which is civil in nature, it must be ventilated before the regular courts and not before the Commission.

On January 19, 2019, the IBP Commission on Bar Discipline (*IBP-CBD*) Board of Governors issued a Resolution “resolving to adopt the findings of fact and recommendation of the Investigating Commissioner to **DISMISS** the complaint.”⁴

After a careful review of the records of the case, We resolve to dismiss the instant administrative case against Atty. Gregorio Cabantac for lack of merit.

The Court has consistently held that “an attorney enjoys the legal presumption that he is innocent of the charges against him until the contrary is proved, and that as an officer of the court, he is presumed to have performed his duties in accordance with his oath.”⁵

It cannot be overemphasized that in order to sustain a finding of administrative culpability, substantial evidence is required, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.⁶ If the complainant fails to meet the required standard or to establish his/her case by clear, convincing, and satisfactory evidence as in this case, this Court shall not hesitate to dismiss any disbarment proceedings against any lawyer. In the case at bar, the complainant failed to adduce sufficient evidence to substantiate his claim against Atty. Cabantac.

A careful examination of the complaint would show that there is no reason to disturb the findings of both the IBP Investigating

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³ *Id.* at 27.

⁴ *Id.* at 24.

⁵ *Rico v. Salutan*, A.C. No. 9257, March 5, 2018.

⁶ *Judaya v. Balbona*, 810 Phil. 375, 381 (2017).

Commissioner and the IBP-CBD. It can be gleaned therefrom that the issue revolves around the ownership of the subject property, *i.e.*, entering and occupying of the subject lot by constructing a house therein, building the house without a permit, and collecting rent from informal settlers. As aptly found by the Commissioner, the issue of ownership must be threshed out in the regular courts of justice and not through an administrative case. The Court may not exercise its administrative power over lawyers when the principal relief sought by the complainant is not for the purpose of ascribing administrative liability against respondent, but in reality, civil liability.

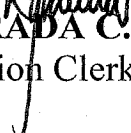
Given the foregoing, it cannot be said that the acts complained of constitute misconduct which would warrant the exercise of this Court of its administrative power over Atty. Cabantac as a member of the Bar. In the absence of proof that Atty. Cabantac's actuations equated to a violation of his oath as a lawyer or a breach of the Code of Professional Responsibility, the presumption of innocence accorded him as a lawyer remains and the complaint against him must be dismissed.

WHEREFORE, the Court **DISMISSES** the instant administrative case against Atty. Gregorio Cabantac for lack of merit.

The Notice of Resolution dated January 19, 2019 of the Integrated Bar of the Philippines' Board of Governors is **NOTED**.

SO ORDERED."

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court
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Mr. Roberto R. Ignacio
Complainant
No. 48 Broadway Avenue, Brgy. Mariana
New Manila, 1100 Quezon City

Atty. Gregorio Cabantac
Respondent
Block 3, Lot 6, Sinagtala Street
Gardenville, Congressional Avenue
Brgy. Bahay Toro, 1106 Quezon City

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Supreme Court
Integrated Bar of the Philippines
1605 Pasig City

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