Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

EDGAR M. RICO, Complainant, - *versus* **ATTY. REYNALDO G. SALUTAN,** Respondent.	**A.C. No. 9257** [Formerly CBD Case No. 12-3490] **Present:** CARPIO,* *J., Chairperson,* PERALTA, PERLAS-BERNABE, CAGUIOA, and REYES, *JJ.* **Promulgated:** 05 MAR 2018

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D E C I S I O N

PERALTA, *J.*:

The present case was initiated through a letter complaint to Judge Antonio P. Laolao, Sr., Presiding Judge of Municipal Trial Court, Branch 6, Davao City, against respondent Atty. Reynaldo G. Salutan for purportedly misleading the court and for contempt of court.

The factual and procedural antecedents of the case are as follows:

Complainant Edgar M. Rico explained that his relatives were plaintiffs in a civil case for Forcible Entry before the Municipal Trial Court in Cities (*MTCC*), Branch 4, Davao City. The court had ordered the defendants to restore plaintiffs' possession of the subject properties, remove all structures that had been introduced on the same, and to pay reasonable sum for their occupation of the properties.

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* Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

Milagros Villa Abrille, one of the defendants in the aforementioned case, filed a separate case for Unlawful Detainer against Rico covering the same property. On November 6, 2001, the MTCC ordered Rico to vacate the premises. Subsequently, the Regional Trial Court (*RTC*) affirmed the MTCC ruling and issued a Writ of Execution.

On July 9, 2004, the court's sheriff executed a Return Service stating that the writ could not be served on Rico since the property subject of the case was different from the lot which Rico was occupying. Thereafter, Villa Abrille, through her counsel, respondent Atty. Salutan, filed a motion for the issuance of an Alias Writ of Execution. On May 15, 2007, the sheriff executed a Return of Service again since the alias writ could not be enforced for the same reason as the first time. On April 4, 2008, Villa Abrille once again filed a motion for the issuance of another Alias Writ of Execution, which, this time, the MTCC denied. Hence, Villa Abrille went to the Court for the issuance of a Writ of *Mandamus* to compel the MTCC to issue another Writ of Execution and for the sheriff to implement the same. The Court, however, dismissed the case.

For the fourth (4^{th}) time, Villa Abrille filed another motion for the issuance of a Writ of Execution. This time, the MTCC granted it. Consequently, the court sheriff issued a Final Notice to Vacate to Rico on June 10, 2010. On June 15, 2010, the same sheriff led the demolition of the house and other improvements on the property. Thus, Rico filed the administrative complaint against Atty. Salutan.

For his part, Atty. Salutan denied the charges and argued that he merely advocated for his client's cause and did the same within the bounds of the law and of the rules. He merely did what a zealous lawyer would naturally do in representation of his client.

On January 2, 2013, the Commission on Bar Discipline of the Integrated Bar of the Philippines (*IBP*) recommended the dismissal of the administrative complaint against Atty. Salutan, to wit:

> Foregoing premises considered, the undersigned believes and so holds that the complaint is without merit. Accordingly, he recommends DISMISSAL of the same.[1]

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[1] Report and Recommendation submitted by Commissioner Oliver A. Cachapero dated January 2, 2013; *rollo*, Vol. I, pp. 265-268.

On March 21, 2013, the IBP Board of Governors passed Resolution No. XX-2013-357,[2] which adopted the abovementioned recommendation, thus:

> *RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, the case is hereby* ***DISMISSED****.*

Thereafter, Rico moved for reconsideration of said Resolution. On March 23, 2014, the IBP Board of Governors passed another resolution, Resolution No. XXI-2014-183,[3] denying said motion for reconsideration and approving its 2013 Resolution, to wit:

> *RESOLVED to DENY Complainant's Motion for Reconsideration, there being no cogent reason to reverse the findings of the Commission and it being a mere reiteration of the matters which had already been threshed out and taken into consideration. Thus, Resolution No. XX-2013-357 dated March 21, 2013 is hereby* ***AFFIRMED****.*

The Court's Ruling

The Court finds no cogent reason to depart from the findings and recommendation of the IBP that the instant administrative complaint against Atty. Salutan must be dismissed.

In administrative proceedings, the burden of proof rests upon the complainant. For the court to exercise its disciplinary powers, the case against the respondent must be established by convincing and satisfactory proof.[4]

Here, despite the charges hurled against Atty. Salutan, Rico failed to show any badge of deception on the lawyer's part. There was no court decision declaring that Villa Abrille's title was fake or that it had encroached on Rico's property. All that Atty. Salutan did was to zealously advocate for the cause of his client. He was not shown to have misled or unduly influenced the court through misinformation. He merely persistently pursued said cause and he did so within the bounds of the law and the

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2 *Id.* at 347.
3 *Id.* at 346.
4 *Villatuya v. Tabalingcos*, 690 Phil. 381, 396 (2012).

existing rules. He succeeded at finally having the writ of execution, albeit at the fourth (4th) time, implemented.

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. Burden of proof, on the other hand, is defined in Section 1 of Rule 131 as the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law.[5]

Weight and sufficiency of evidence, under Rule 133 of the Rules of Court, is not determined mathematically by the numerical superiority of the witnesses testifying to a given fact. It depends on its practical effect in inducing belief for the party on the judge trying the case.[6]

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence, which is 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 complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Likewise, charges based on mere suspicion and speculation cannot be given credence. Besides, the evidentiary threshold of substantial evidence - as opposed to preponderance of evidence - is more in keeping with the primordial purpose of and essential considerations attending this type of cases. As case law elucidates, disciplinary proceedings against lawyers are *sui generis*. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but is rather an investigation by the Court into the conduct of one of its officers. Not being intended to inflict punishment, it is in no sense a criminal prosecution. Accordingly, it also involves neither a plaintiff nor a prosecutor. It may be initiated by the Court *motu proprio*. Public interest is its primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. In such posture, there can thus be no occasion to speak of a complainant or a prosecutor.[7]

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5 *Aba, et al. v. De Guzman, et al.*, 698 Phil. 588, 600 (2011).

6 *Id.*

7 *Reyes v. Atty. Nieva*, A.C. No. 8560, September 6, 2016, 802 SCRA 196, 220.

In the case at bar, Rico seriously failed to discharge said burden of proof. He failed to establish his claims through relevant evidence as a reasonable mind might accept as adequate to support a conclusion - that is that Atty. Salutan indeed misled the court, directly or indirectly, in the course of championing his client's cause.

In a court battle, there must necessarily be a victor and a vanquished. A vain effort from the vanquished litigant should not, however, cause him to immediately accuse the victor of resorting to deceptive ploy or tactics, especially when he had been given sufficient opportunity to counter every move of the victor in court. One should be magnanimous enough to acknowledge the triumph of one who had waged a fair legal battle against another in a court of law.

Members of the Bar must be reminded that enthusiasm, or even excess of it, is no less a virtue, if channelled in the right direction. However, it must be circumscribed within the bounds of propriety and with due regard for the proper place of courts in our system of government. While zeal or enthusiasm in championing a client's cause is desirable, unprofessional conduct stemming from such zeal or enthusiasm is always disfavored.[8] Such undesirable conduct, however, is not shown to be extant in this case.

WHEREFORE, PREMISES CONSIDERED, the Court **DISMISSES** the instant Complaint against Atty. Reynaldo G. Salutan for utter lack of merit.

SO ORDERED.

DIOSDADO M. PERALTA
Associate Justice

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8 *Bacatan v. Atty. Dadula*, 802 Phil. 289, 297 (2016).

WE CONCUR:

ANTONIO T. CARPIO
Acting Chief Justice
Chairperson

ESTELA M. PERLAS-BERNABE
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ANDRES B. REYES JR.
Associate Justice