



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

ELISA ZARA,
Complainant,

A.C. No. 10994

Present:

PERALTA, J., Chairperson,
LEONEN,
REYES, A., JR.,
HERNANDO, and
INTING, JJ.

- versus -

ATTY. VICENTE JOYAS,
Respondent.

Promulgated:

June 10, 2019

[Signature]

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RESOLUTION

PERALTA, J.:

Before Us is an administrative complaint¹ filed by complainant Elisa Zara against respondent Atty. Vicente Joyas for his negligence in fulfilling his duties as counsel of complainant in violation of the Code of Professional Responsibility.

Complainant alleges that she contracted the legal services of Atty. Joyas on May 2, 2012 for the recognition and execution of the foreign judgment regarding the divorce procured by the husband of complainant in the United States. However, complainant posits that Atty. Joyas failed to carry out his duty in handling the case with utmost fidelity.

Complainant advances the idea that Atty. Joyas, upon receiving the payment for legal services, did not inform her of the requirements of the case, moreover, the importance of the citizenship at the time the divorce decree was secured. In this case, however, Atty. Joyas did not, to the detriment of the

¹ Rollo, pp. 24-26.

[Handwritten mark]

cause of complainant. Complainant allegedly had exerted efforts to communicate with Atty. Joyas despite her living in Thailand. However, to her dismay and utter frustration, her efforts to reach out to Atty. Joyas for updates regarding her case remained futile. Hence, complainant filed the instant complaint.

For his part, Atty. Joyas contended that whatever caused the delay in the case was beyond his control since he has complied with his duty as complainant's counsel and had exerted utmost efforts in order to secure an outcome favorable to complainant. Atty. Joyas asserted that the court is interested with the actual date of the naturalization of the husband of complainant, as elucidated under the prevailing jurisprudence, *Republic v. Orbecido III*,² where the reckoning point is the naturalization of the spouse who secured the divorce should the former citizenship of the latter be Filipino. He added that if he will continue to pursue with the resolution of the case without submitting the naturalization paper, the petition will be denied.

To bolster his defense, Atty. Joyas claimed that he made several representations with the U.S. Embassy to secure the naturalization paper of Edilberto only to be informed that the matter is confidential and the conformity of Edilberto was needed. Subsequently, he wrote letters to Edilberto seeking permission or conformity on his request on the naturalization papers of Edilberto, but to no avail. Atty. Joyas argues that he had faithfully complied with his duty as counsel for the complainant. As a matter of fact, his experience and service with the Integrated Bar of the Philippines as a former officer is proof that he will not taint his good reputation.³

The Integrated Bar of the Philippines (*IBP*) Investigating Commissioner recommended the dismissal of the instant case for lack of merit. It found that complainant failed to meet the required evidentiary standard. Complainant's allegation that it was only after she filed the present complaint when respondent started communicating and providing her with information is totally improbable as the Letter⁴ dated December 15, 2014 addressed to Edilberto Zara by respondent, as well as the Acknowledgment Letter⁵ dated April 30, 2016, speaks that on random periods respondent exerted efforts in finding progress of complainant's petition.

The IBP Commission on Bar Discipline (*IBP-CBD*) Board of Governors issued Resolution No. XXII-2017-1070⁶ dated May 27, 2017, which adopted the findings of fact and the recommendation of the Investigating Commissioner dismissing the case.

² 509 Phil. 108, 114-115 (2005).

³ *Rollo*, pp. 59-60.

⁴ *Id.* at 179.

⁵ *Id.* at 181.

⁶ *Id.* at 268.

RULING

In administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in the complaint. Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. For the Court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof.⁷


Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on. After all, basic is the rule that mere allegation is not equivalent to proof and charges based on mere suspicion, speculation or conclusion cannot be given credence.⁸

Thus, in the present case, complainant's failure to present sufficient and concrete evidence to substantiate her accusations against Atty. Joyas is fatal to her case. Moreso, when Atty. Joyas was able to refute the allegations against him by showing proof that he has exerted efforts in handling complainant's petition, and that he was not remiss in the performance of his duties as counsel.

It must be stressed anew that lawyers enjoy the legal presumption that they are innocent of the charges against them until proven otherwise — as officers of the court, they are presumed to have performed their duties in accordance with their oath.⁹ It is only when such presumption is overcome by convincing proof of the lawyer's misconduct that the serious consequences of disbarment or suspension should follow.

WHEREFORE, finding the recommendation of the IBP to be fully supported by the evidence on record and applicable laws, the Court **RESOLVES** to **DISMISS** the case against Atty. Vicente Joyas for lack of merit, and consider the same as **CLOSED** and **TERMINATED**.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice


⁷ *Ferancullo v. Ferancullo*, 538 Phil. 501, 511 (2006).


⁸ *De Jesus v. Guerrero III*, 614 Phil. 520, 529 (2009).

⁹ *Castro, et al. v. Atty. Bigay, et al.*, A.C. No. 7824, July 19, 2017, 831 SCRA 274, 283-284.

WE CONCUR:


MARVIC MARIO VICTOR F. LEONEN
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice