



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 July 2020** which reads as follows:*

“A.C. No. 12780 (*Macario M. De Villa v. Atty. Mario De Chavez Bejer*). – In his Complaint,¹ Macario M. De Villa (De Villa) prayed for the immediate disbarment of respondent Atty. Mario De Chavez Bejer (Atty. Bejer) for allegedly violating the Lawyer’s Oath and the Code of Professional Responsibility (CPR). De Villa averred that Atty. Bejer is the cause of all the problems and chaos in their family and relatives, which started when the latter bought a portion of land (subject property) from their aunt, Ana De Villa (Ana), in 2016. According to De Villa, Atty. Bejer fenced the subject property, but included therein a portion of their own land.

On December 29, 2016, De Villa recorded a video clip, which purportedly showed an altercation among Severino De Villa, uncle of De Villa, Ana, and Atty. Bejer regarding the boundary of the subject property bought by the latter. De Villa further alleged that: (1) Atty. Bejer threatened them that they will not win in any tribunal, since the latter is a lawyer and a former prosecutor of Batangas; (2) he was, from the start, ignored by Atty. Bejer when he notified the latter that the concrete fence was too close to their house; (3) Atty. Bejer disregarded their request for joint survey; (4) there was a land dispute protest against Ana before the Department of Environment and Natural Resources to resolve the issue on the subject land, but Atty. Bejer always tried to get involved; (5) Atty. Bejer has an “influence” on the barangay and was able to file several cases against them; (6) Atty. Bejer built and operates a resort, which encroached on their land, and operates without permit; and (7) Atty. Bejer threatened him and his family.

¹ *Rollo*, pp. 1-5.

IBP Report and Recommendation

In her Memorandum² dated December 18, 2018, Integrated Bar of the Philippines (IBP) Investigating Commissioner Stephanie M. Cas-Refina (Commissioner Cas-Refina) recommended for the outright dismissal of the complaint. According to Commissioner Cas-Refina, De Villa failed to establish a *prima facie* case against Atty. Bejer, and that the instant case is nothing more but a boundary dispute between the parties and should be settled in a court of competent jurisdiction.

In sum, Commissioner Cas-Refina ruled that the complaint was bereft of any evidence to show that Atty. Bejer violated the CPR and/or the Lawyer's Oath.

In its Resolution³ dated May 27, 2019, the IBP Board of Governors resolved to adopt and to approve the report and recommendation of Commissioner Cas-Refina and dismissed the complaint against Atty. Bejer.

The Court's Ruling

In this instant case, De Villa charges Atty. Bejer of violation of the CPR and the Lawyer's Oath. Consequently, he prays that sanctions be imposed on Atty. Bejer, which includes the ultimate penalty of immediate disbarment.

After careful review of the records, it is clear that the complaint against Atty. Bejer ultimately pertained to his alleged encroachment upon the land of De Villa and his family. It started when Atty. Bejer constructed a concrete fence on his land, that consequently resulted to a boundary dispute between the parties. The Court concurs with the findings of Commissioner Cas-Refina that the complaint warrants an outright dismissal since De Villa failed to establish a *prima facie case* against Atty. Bejer.

Jurisprudence dictates that in administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence.⁴ Accordingly, complainant must show in a satisfactory manner the facts upon which their claims are based; otherwise, respondent is not obliged to prove his exception or defense. This is because an attorney enjoys the legal presumption that he is innocent of the charges proffered against him until the contrary is proved, and that, as an officer of the Court, he has performed his duties in accordance with his oath.⁵

Moreover, We ruled that the Court will exercise its disciplinary power only by observing due process and if the lawyer's administrative guilt is

² Id. at 24.

³ Id. at 23.

⁴ *Re: Letter of Lucena Ofendoreyes Alleging Illicit Activities of a Certain Atty. Cajayon Involving Cases in the Court of Appeals, Cagayan de Oro City*, 810 Phil. 369, 374 (2017).

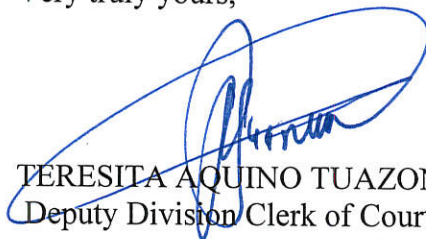
⁵ *Alag v. Sempe, Jr.*, A.C. No. 12115, October 15, 2018.

proved by clear, convincing, and satisfactory evidence. This norm is aimed at preserving the integrity and reputation of the Law Profession, and at shielding lawyers, in general, due to their being officers themselves of the Court. Any complaint for disbarment or other disciplinary sanction brought against lawyers that is based on frivolous matters or proof, like this case, should be immediately dismissed because its plain objective is to harass or get even with the respondent. The public must be reminded that lawyers are professionals bound to observe and follow the strictest ethical canons, and to subject them to frivolous, unfounded and vexatious charges of misconduct and misbehavior is to do a disservice to the ideals of justice, and to disregard the Constitution and the laws to which all lawyers vow their enduring fealty.⁶

WHEREFORE, the Court **DISMISSES** the complaint against Atty. Mario De Chavez Bejer for lack of factual and legal merit.

SO ORDERED." (*J. Gaerlan, designated Additional Member per Special Order No. 2780 dated May 11, 2020.*)

Very truly yours,


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court *Wth. 8/24*
 24 AUG 2020

MACARIO M. DE VILLA (reg)
 Complainant
 Locloc, Bauan, Batangas

ATTY. MARIO DE CHAVEZ BEJER (reg)
 Respondent
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 AC12780. 07/01/2020(207)URES

⁶ *Domingo v. Rubio*, 797 Phil. 581, 590-591 (2016).