

THIRD DIVISION

[A.C. No. 9919, July 19, 2017]

**DR. EDUARDO R. ALICIAS, JR. COMPLAINANT, VS. ATTY.
VIVENCIO S. BACLIG, RESPONDENT.**

DECISION

TIJAM, J.:

Before Us is a complaint for disbarment^[1] filed by complainant Eduardo R. Alicia, Jr. against Atty. Vivencio S. Baclic (Atty. Baclic) for violation. of the Code of Professional Responsibility (CPR) and/or Lawyer's Oath.

The Facts

The case stemmed from the amended complaint^[2] for declaration of nullity of void documents, recovery of ownership and possession, accounting of the natural, industrial fruits derived from the illegal occupation of the subject property, exercise of the right of legal redemption with damages, and application for a writ of preliminary injunction filed by Eleuterio Lamorena, Higinio Rene Lamorena, Oscar Lamorena and Eloisa Lamorena, duly represented by their Attorney-in-Fact, Marissa L. Peña, and Marissa L. Peña, in her own behalf (Lamorena, *et. al.*) against Robert R. Alicia (Robert) and Urvillo A. Paa (Paa), and herein complainant before the Regional Trial Court (RTC) in Vigan City. Said complaint was filed in September 2012 and Atty. Baclic was hired by Lamorena, *et. al.* as their counsel.

In said amended complaint, Lamorena, *et. al.* questioned the occupancy of complainant and his co-defendants of a certain parcel of land. Lamorena, *et. al.* claimed that they are entitled to possession of the same, being the surviving heirs of the lawful owners of the subject property, spouses Vicente and Catalina Lamorena (Catalina).

Complainant and his co-defendants filed their Answer^[3] stressing, among others, that they legally acquired the subject property by virtue of a contract of sale from its lawful owner, Catalina, as the same is her paraphernal property.

It appears, however, that in February 2010, an amended complaint^[4] for reconveyance, annulment of deeds and quieting of title was filed by Lamorena, *et. al.* against herein complainant and Urvillo Paa before the Municipal Trial Court in Cities (MTCC) in Vigan City. However, it was not Atty. Baclic who acted as counsel in this case.

On May 14, 2013, the complainant filed an administrative case for disbarment against Atty. Baclic before Us.

In said administrative complaint, the complainant averred that Atty. Baclic

consented to false assertions when his clients allegedly made false statements in their amended complaint. Complainant also stated that Atty. Baclig knowingly filed an action which was: (1) already barred by *res judicata* and laches; and (2) without the jurisdiction of the RTC where such complaint was filed. Lastly, complainant claimed that Atty. Baclig consented to the filing of a complaint, which asserted similar relief, when a similar case was filed before the MTCC.

In his Comment,^[5] Atty. Baclig contended that the allegations in the subject complaint contained absolutely privileged communication, which insulates him from liability. Also, the issues as to whether or not the assertions in the subject complaint are false statements and whether or not the RTC has jurisdiction over the subject matter of the action are yet to be decided; hence, the complaint against him holds no water.

Issue

Is Atty. Baclig administratively liable?

Our Ruling

A case of suspension or disbarment is *sui generis* and not meant to grant relief to a complainant as in a civil case, but is intended to cleanse the ranks of the legal profession of its undesirable members in order to protect the public and the courts.

^[6]

Jurisprudence is replete with cases reiterating that in disbarment proceedings, the burden of proof rests upon the complainant.^[7] In the recent case of *Carrie-Anne Shaleen Carlyle S. Reyes v. Atty. Ramon F. Nieva*,^[8] this Court had the occasion to clarify that the proper evidentiary threshold in disbarment cases is substantial evidence.

The gist of the complaint before Us is the alleged false assertions in the amended complaint, to which Atty. Baclig has consented to. Complainant alleged that Atty. Baclig consented to falsehood when the allegations in the amended complaint specified, among others, that the subject property is a hereditary property when in fact it is a paraphernal property; that the property is unregistered property; and that it was inherited in 1952 when it was not.

However, noteworthy is the fact that such assertions are the matters in dispute in the case before the RTC. In other words, the assertions as to the nature of the property and the time when it was inherited also deal with the main issue of the case. To recall, *Lamorena, et. al.*'s main contention is that the subject property is a hereditary property, being the property of their parents. On the other hand, complainant alleged that they brought the property from Catalina and the latter had every right to sell it even without the consent of her spouse because it is her paraphernal property. In other words, the issue in the amended complaint is who between *Lamorena, et. al.* and complainant herein has the right of possession over the subject property. Hence, Atty. Baclig cannot be faulted for consenting to his clients' act of asserting such statements.

At any rate, it must be considered that Atty. Baclig's pleadings were privileged and