



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 10, 2020** which reads as follows:*

**“A.C. No. 10717 (formerly CBD Case No. 16-4902) – RICARDO MINERVA, complainant, versus ATTYS. EDGARDO V. CRUZ AND ROGELIO S. CONSTANTINO, respondents.**

After a careful review of the records of the case and the evidence submitted by the parties, the Court resolves to adopt the recommendation of the Integrated Bar of the Philippines (IBP) to dismiss the complaint for the disbarment<sup>1</sup> of respondents Atty. Edgardo V. Cruz (Atty. Cruz) and Atty. Rogelio S. Constantino (Atty. Constantino).

The complainant Ricardo Minerva (Minerva) was unable to discharge the burden of proving the allegations in his disbarment complaint. The Court has always held that lawyers enjoy the presumption of innocence and the complainant must prove the allegations in his complaint through substantial evidence.<sup>2</sup>

Here, it was aptly found by the IBP that Atty. Cruz merely performed his duties to protect the interests of his client, Andres Gabriel (Gabriel), in the unlawful detainer proceedings against Minerva before the Metropolitan Trial Court (MeTC) of Malabon City. There was no evidence of collusion or connivance with court personnel in obtaining a favorable judgment from the MeTC. On the contrary, the records show that proceedings were in accordance with the Revised Rules on Summary Procedure, with Minerva actively participating through the submission of pleadings.<sup>3</sup>

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<sup>1</sup> Rollo, pp. 1-4.

<sup>2</sup> *Goopio v. Maglalang*, A.C. No. 10555, July 31, 2018, 875 SCRA 85, 97.

<sup>3</sup> Rollo, pp. 24-30, 34-35, 47-57.

Neither was there proof of irregularities in Atty. Cruz's application for the issuance of a writ of execution. The execution of judgment pending appeal, upon the defendant's failure to pay rental payments for the use and occupation of the property, is an appropriate remedy under Section 19, Rule 70 of the Rules of Court. Clearly, Atty. Cruz only fulfilled his duty as a lawyer to defend his client's cause with utmost zeal, pursuant to Canon 19 of the Code of Professional Responsibility.<sup>4</sup>

As regards the purported violation of the 2004 Rules on Notarial Practice on the part of Atty. Constantino, the IBP is likewise correct in finding this allegation unmeritorious. Minerva himself attached the Certification<sup>5</sup> from the Office of the Clerk of Court, stating that Atty. Constantino was a duly commissioned notary public for the year 2013 to 2014, with Appointment No. 12-005-MN (2013-2014). Thus, at the time the Special Power of Attorney<sup>6</sup> (SPA) was notarized on March 1, 2014, Atty. Constantino possessed the necessary commission. The allegation that the SPA was notarized without competent evidence of identity is likewise readily disproved by the SPA itself, which indicates that Gabriel presented his Senior Citizen ID No. 1010264.<sup>7</sup> Minerva's allegation in his complaint is therefore totally unsubstantiated.

In all, the Court agrees with the IBP's findings that the complaint should be dismissed. There is no evidence of misconduct that would warrant the imposition of administrative sanctions on the respondents.

**WHEREFORE**, the instant disbarment complaint against the respondents Atty. Edgardo V. Cruz and Atty. Rogelio S. Constantino is **DISMISSED** for lack of merit.

The Notice of Resolution dated June 18, 2019 of the Integrated Bar of the Philippines' Board of Governors which adopted the findings of fact and recommendation of the Investigating Commissioner in his Report dated September 18, 2018 dismissing the complaint, transmitted by Letter dated March 12, 2020 of Director Randall C. Tabayoyong, Integrated Bar of the Philippines' Commission on Bar Discipline, together with the records and compact disc containing the PDF file of the case, is **NOTED**.

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<sup>4</sup> CANON 19 — A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF LAW.

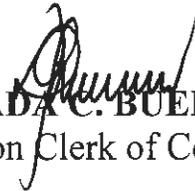
<sup>5</sup> *Rollo*, p. 9.

<sup>6</sup> *Id.* at 5.

<sup>7</sup> *Id.*

**SO ORDERED.”** *Zalameda, J., on official leave.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court 

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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Mr. Ricardo G. Minerva  
Complainant  
No. 338 Gov. Pascual Avenue  
Catmon, 1470 Malabon City

Atty. Edgardo V. Cruz  
Respondent  
No. 14 Danding Building, Municipal Site  
1440 Valenzuela City

Atty. Rogelio S. Constantino  
Respondent  
No. 105, Justice Arellano Street  
1470 Malabon City

Integrated Bar of the Philippines  
1605 Pasig City

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