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**FIRST DIVISION**

[A.C. No. 6712. February 6, 2006]

**CRISANTA JIMENEZ,** *complainant, vs.* **ATTY. JOEL JIMENEZ,** *respondent.*

**SYLLABUS**

**1. LEGAL ETHICS; ATTORNEYS; FACTUAL MILLIEU OF THE PRESENT CASE LACKS EVIDENCE OF ANY DISHONEST, IMMORAL, OR DECEITFUL CONDUCT COMMITTED BY RESPONDENT LAWYER.**— The factual milieu of the present case lacks evidence of any dishonest, immoral, or deceitful conduct committed by respondent. Petitioner anchors this administrative complaint on the alleged crimes committed by respondent. However, the complaints for qualified theft and estafa were both ordered dismissed for lack of merit and insufficiency of evidence. The documents received by respondent from Realon were not held by him in trust for the petitioner. What was delivered to respondent was the material or physical possession of the documents and not the juridical possession thereof. Juridical possession of said documents pertains to the receipt by respondent's father being the attorney-in-fact of the petitioner and Antonio by virtue of a special power of attorney.

**2. ID.; ID.; COMPLAINANT FAILED TO MEET THE REQUIRED STANDARD OR TO ESTABLISH HER CASE BY CLEAR, CONVINCING AND SATISFACTORY EVIDENCE; NO SUFFICIENT EVIDENCE WAS PRESENTED TO PROVE THAT RESPONDENT ENGAGED IN DISHONEST IMMORAL OR DECEITFUL CONDUCT.**—The long-settled rule is that the dismissal of a criminal case on the ground of insufficiency of evidence against an accused who is also a respondent in an administrative case does not necessarily foreclose the administrative proceeding against him or carry with it the relief from administrative liability. The quantum of evidence needed in a criminal case is different from that required in an administrative case. In the former, proof beyond reasonable doubt is needed; while the latter, substantial evidence, defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, is enough. However, if the complainant

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fails to meet the required standard or to establish his/her case by clear, convincing, and satisfactory evidence as in this case, this Court shall not hesitate to dismiss any disbarment proceedings against any lawyer. After all, the power to disbar must be exercised with great caution, and may be imposed only in a clear case of misconduct that seriously affects the standing and character of the lawyer as an officer of the Court and as a member of the bar. In the instant case, no sufficient evidence was presented to prove that respondent engaged in dishonest, immoral, or deceitful conduct. There was no factual or legal basis, much less substantial ground to hold respondent administratively liable.

**3. ID.; ID.; RESPONDENT HAS NO DUTY TO ACCOUNT ANYTHING TO COMPLAINANT AS THERE IS NO ATTORNEY-CLIENT RELATIONSHIP BETWEEN THEM; DOCUMENTS IN QUESTION WERE NEVER WITHIN RESPONDENT'S JURIDICAL POSSESSION NOR WERE THEY UNLAWFULLY TAKEN BY HIM.**— Likewise, we find no merit in the allegations of petitioner that respondent failed to account and deliver property she demanded from him. As correctly pointed out by respondent, he has no duty to account anything to the petitioner as there is no attorney-client relationship between them. The only relationship between them is that of an estranged aunt and a nephew-in-law; whereby the former once asked the latter to act as a courier between her and his father. Besides, with or without any of these relations, the respondent has nothing to account or deliver to petitioner as the documents in question were never within his juridical possession nor were they unlawfully taken by him.

**APPEARANCES OF COUNSEL**

*Fojas Falgui & Tuy* for complainant.

**D E C I S I O N**

**YNARES-SANTIAGO, *J.*:**

On September 20, 2002, petitioner Crisanta Jimenez filed a complaint[1] before the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) against respondent Atty.

[1] *Rollo*, pp. 1-5.

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Joel Jimenez for allegedly engaging in dishonest, immoral, or deceitful conduct; failing to account property received from a client; and failing to deliver property upon demand of a client.

Petitioner alleged that on September 11, 2001, respondent received in trust several documents for the purpose of transferring the registration thereof in her name. Due to a misunderstanding between petitioner's husband and respondent's father, petitioner demanded on October 17, 2001 the return of the documents but respondent failed and refused to turn over the same. Petitioner also claimed that on September 17, 2001, respondent surreptitiously took from her residence a black bag containing important documents. She thus instituted cases for qualified theft and estafa against the respondent and his father. In addition, she filed the instant administrative case for respondent's disbarment.

In his answer, respondent admitted that he received on September 11, 2001 certain documents from Aurora Realon, an agent of petitioner's husband, Antonio Jimenez, his uncle, the latter being a brother of his father, with instructions to deliver the same to his father. On October 17, 2001, petitioner demanded the return of the documents but his father refused pending an accounting of his share in the business venture with Antonio and in pursuance with the agency agreement between the two. Respondent also disclaimed any responsibility to account or deliver property to petitioner due to the absence of any lawyer-client relationship between them. He alleged that petitioner and her husband are persecuting him to collaterally attack his father, with whom they have a serious misunderstanding regarding their agency agreement.

He also averred that on January 14, 2002, the Makati Prosecutor's Office dismissed the complaint for estafa for lack of merit and insufficiency of evidence.[2] Petitioner's appeal to the Department of Justice was denied on August 5, 2003.[3] As regards the case for qualified theft, the Justice Secretary reversed and set aside the resolution of the Office of the City Prosecutor of Parañaque

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[2] *Id.* at 32.

[3] *Id.* at 139-144.

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City finding probable cause and directed the latter to move for the withdrawal of the complaint pending before the Regional Trial Court of Parañaque City, Branch 274.[4]

It appears, however, that the trial court denied the motion to withdraw information for qualified theft thus, respondent and his father filed a petition for *certiorari* before the appellate court docketed as CA-G.R. SP No. 75138. On March 13, 2003, the Court of Appeals ordered the trial judge to grant the motion to withdraw information and to dismiss the criminal complaint for qualified theft against respondent and his father.[5]

In the report[6] dated September 30, 2004, the Investigating Commissioner[7] concluded that respondent could not be held administratively liable for the charges against him and thus recommended the dismissal of the complaint, which report and recommendation was adopted and approved by the IBP Board of Governors on November 4, 2004.

On April 28, 2005, petitioner filed a petition for review[8] before this Court assailing the resolution of the IBP Board of Governors adopting and approving the recommendation of the investigating commissioner to dismiss the administrative case. She argued that the IBP erred in finding that there was insufficient evidence to hold respondent administratively liable.

In his comment,[9] respondent alleged that on June 30, 2005, this Court rendered a decision in *Jimenez v. Jimenez*[10] which upheld

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[4] *Id.* at 38-39.

[5] *Id.* at 87. Penned by Associate Justice Martin S. Villarama, Jr. and concurred in by Associate Justices Godardo A. Jacinto and Mario L. Guariña III.

[6] *Id.* at 285-298.

[7] Wilfredo E. J. E. Reyes.

[8] *Rollo*, pp. 300-313.

[9] *Id.* at 347-366.

[10] G.R. No. 158148, June 30, 2005, 462 SCRA 516. Penned by Associate Justice Conchita Carpio Morales and concurred in by Associate Justice (now Chief Justice) Artemio V. Panganiban and Associate Justices Angelina Sandoval-Gutierrez, Renato C. Corona and Cancio C. Garcia.

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the decision of the Court of Appeals to grant the motion to withdraw the information in the criminal case of qualified theft against him and his father.

We agree with the findings and recommendation of the IBP.

The factual milieu of the present case lacks evidence of any dishonest, immoral, or deceitful conduct committed by respondent. Petitioner anchors this administrative complaint on the alleged crimes committed by respondent. However, the complaints for qualified theft and estafa were both ordered dismissed for lack of merit and insufficiency of evidence.

The documents received by respondent from Realon were not held by him in trust for the petitioner. What was delivered to respondent was the material or physical possession of the documents and not the juridical possession thereof. Juridical possession of said documents pertains to the receipt by respondent's father being the attorney-in-fact of the petitioner and Antonio by virtue of a special power of attorney.

As held in *Jimenez v. Jimenez*:[11]

> Contrary to petitioner's claim in said Complaint-Affidavit that respondent Jose Jimenez admitted to real-estate agent Aurora Realon that his son-co-respondent Joel Jimenez got hold of the documents and turned them over to him, no such claim appears in Aurora's affidavit submitted by petitioner in support of her complaint.
>
> Even in the Joint Affidavit of Carlos and Eduardo Jimenez also submitted by petitioner in support of her complaint, there is no showing that respondent Joel took the documents and turned them over to respondent Jose, as the affiants merely stated having suggested to respondent Jose Jimenez "*to return all the documents that were taken by his son* . . . from the house of Antonio Jimenez, together with the documents that were entrusted to him by Aurora Realon . . . ," which alleged taking by Joel Jimenez was *a mere conclusion of the affiants,* hence, cannot serve to prove actual taking of the documents by respondent Joel Jimenez.

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[11] *Id.* at 527.

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What is gathered through from petitioner's evidence is that some of the documents were entrusted to respondent Jose Jimenez in his capacity as attorney-in-fact and the others were turned over by Aurora Realon to said respondent *through* his son co-respondent Joel Jimenez. Parenthetically, if the documents have remained in the possession of respondent Jose Jimenez, any question bearing thereon could be raised in the Complaint, as amended, filed by respondent Jose Jimenez before the RTC of Pampanga, against petitioner and her spouse, for "Collection of Sum of Money, Accounting and Damages x x x.

The long-settled rule is that the dismissal of a criminal case on the ground of insufficiency of evidence against an accused who is also a respondent in an administrative case does not necessarily foreclose the administrative proceeding against him or carry with it the relief from administrative liability.[12] The quantum of evidence needed in a criminal case is different from that required in an administrative case. In the former, proof beyond reasonable doubt is needed;[13] while the latter, substantial evidence,[14] defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion,[15] is enough. However, if the complainant fails to meet the required standard or to establish his/her case by clear, convincing, and satisfactory evidence[16] as in this case, this Court shall not hesitate to dismiss any disbarment proceedings against any lawyer. After all, the power to disbar must be exercised with great caution, and may be imposed only in a clear case of misconduct that seriously affects the standing and character of the lawyer as an officer of the Court and as a member of the bar.[17]

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[12] *Office of the Court Administrator v. Cañete*, A.M. No. P-91-621, November 10, 2004, 441 SCRA 512, 520.

[13] RULES OF COURT, Rule 133, Sec. 2.

[14] *Id.*, Sec. 5.

[15] *Mollaneda v. Umacob*, 411 Phil. 159, 176 (2001).

[16] *Urban Bank, Inc. v. Peña*, 417 Phil. 70, 78 (2001).

[17] *Alitagtag v. Garcia*, 451 Phil. 420, 426 (2003).

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In the instant case, no sufficient evidence was presented to prove that respondent engaged in dishonest, immoral, or deceitful conduct. There was no factual or legal basis, much less substantial ground to hold respondent administratively liable.

Likewise, we find no merit in the allegations of petitioner that respondent failed to account and deliver property she demanded from him. As correctly pointed out by respondent, he has no duty to account anything to the petitioner as there is no attorney-client relationship between them. The only relationship between them is that of an estranged aunt and a nephew-in-law; whereby the former once asked the latter to act as a courier between her and his father. Besides, with or without any of these relations, the respondent has nothing to account or deliver to petitioner as the documents in question were never within his juridical possession nor were they unlawfully taken by him.

**WHEREFORE**, the petition for review is *DENIED*. The Resolution of the Board of Governors of the Integrated Bar of the Philippines dated November 4, 2004 in CBD Case No. 02-1012 is *AFFIRMED*. The administrative complaint for disbarment of respondent Atty. Joel Jimenez is *DISMISSED* for lack of merit.

**SO ORDERED.**

*Panganiban, C.J.(Chairperson), Austria-Martinez, Callejo, Sr.,* and *Chico-Nazario, JJ.,* concur.