

**Title:** Spouses Nocuenca v. Bensi – Disbarment Complaint Analyzed

**Facts:**

- Origins of Dispute:** The dispute originates from Civil Case No. 6143-L, involving Restituto and Dominga Bensi (Lucille’s parents) who filed a case for Declaratory Relief among others, claiming ownership of a portion of Lot No. 1499-C, where a chapel is situated. A Partial Summary Judgment dated January 25, 2007, granted the plaintiffs ownership over the said portion.
- Ownership Claim by Complainants:** Lucille and Darito Nocuenca, after Lucille’s parents’ passing, claimed to have inherited the chapel site and sought to assert their ownership legally acknowledged by the aforementioned court decision.
- Incident of June 5, 2013:** While attempting to exercise their ownership rights by posting a “PRIVATE PROPERTY, NO TRESPASSING” sign, the complainants claimed to have been assaulted by Atty. Bensi and his son. This led to the Nocuenca’s filing two counts of Slight Physical Injuries against them.
- Criminal Case by Atty. Bensi:** On August 28, 2013, Atty. Bensi accused the Nocuenca’s of Trespass to Property with Physical Injuries; a case dismissed by the City Prosecutor for lack of merit.
- Administrative Case Filing:** The Nocuenca’s filed a disbarment case against Atty. Bensi on February 13, 2015, arguing that his actions violated the Code of Professional Responsibility and Lawyer’s Oath.
- Response and Proceedings:** Atty. Bensi defended his actions, claiming the property was still undivided among heirs and detailed an account of provocation by the complainants during the altercation. Procedural developments included various filings like Atty. Bensi’s Motion to Issue Subpoena and attendances (or failures thereof) at mandatory conferences.
- IBP Investigation and Recommendation:** Investigating Commissioner found probable cause of slight physical injuries but not of moral turpitude, recommending a 30-day suspension for Atty. Bensi. However, the IBP-Board of Governors dismissed the case, citing insufficient evidence against him.

**Issues:**

The Supreme Court considered the following legal issue:

- Whether Atty. Alfredo T. Bensi should be disciplined for his actions during the June 5, 2013 incident pertaining to the family property dispute, in violation of the Code of Professional Responsibility and the Lawyer's Oath.

**Court's Decision:**

The Supreme Court agreed with the IBP-Board of Governors in dismissing the disbarment complaint against Atty. Bensi. On examining the evidence, the Court highlighted the lack of substantial evidence—a requisite for administrative penalties—against the lawyer. The Court reiterated that administrative cases require substantial evidence rather than a preponderance of evidence. Given that the complainants failed to provide adequate evidence of Bensi's misconduct during the altercation, his rights to property protection were upheld, dismissing the need for any disciplinary action.

**Doctrine:**

1. **Substantial Evidence as Quantum of Proof:** The case reinforces that substantial evidence, which is less stringent than a preponderance of evidence yet more than a mere scintilla, is needed in administrative proceedings to impose disciplinary actions against members of the Bar (referencing *Reyes v. Nieva* and clarified in *Dela Fuente Torres v. Dalangin*).
2. **Possession Laws:** Article 536 of the Civil Code prohibits acquiring possession through force or intimidation and stresses resorting to courts for rights vindication.

**Class Notes:**

- **Administrative Cases:** Emphasize substantial evidence as the quantum of proof.
- **Lawyer's Responsibilities:** Uphold the duties under the Code of Professional Responsibility; any action contrary can result in disciplinary proceedings.
- **Civil Code on Possession:** Enforces the lawful approach to claiming possession, underscoring judicial aid when disputes arise.

**Historical Background:**

The case demonstrates a property dispute's intersection with professional ethics for legal practitioners. Historically, it reiterates ongoing issues within property rights and family inheritances in the Philippine context. The need for clear judicial intervention rather than

self-help reflects evolving practices away from aggressive resolution methods towards court-mediated solutions, intrinsic to legal progress in property adjudication cases.