

7 Phil. 173

[G.R. No. 2532. December 11, 1906]

IN RE MACARIO ADRIATICO.

D E C I S I O N

JOHNSON, J.:

This was a proceeding instituted in the Court of First Instance of the Province of Mindoro by the judge of that district against the respondent, after hearing numerous complaints against him relating to his professional conduct.

During the January term for the year 1905 of the Court of First Instance of said province the judge thereof made the following order:

“To Mr. MACARIO ADRIATICO,

Attorney at Law, Manila, P. I.

“(1) It appearing to the undersigned that there is cause to believe that as lawyer and administrator in the administration of the estate of Ramon Valencia, deceased, now pending in the Court of First Instance for the Province of Mindoro, you have been guilty of malpractice and have practiced deceit upon the said court in the discharge of the office of administrator of the said estate, and that you did borrow from one Felix Lopez the sum of P3,500, as administrator of the said estate, alleging that P3,000 of the said loan was made for the reason provided in section 678 of the Code of Civil Procedure, and that having so made this loan you did deceive the said court by inducing the court to believe that you yourself did personally advance money to the heirs of the said deceased and did wrongfully conceal from the court the fact that you had as administrator received

from the said Lopez the said sum of P3,500, and that you did moreover otherwise misconduct yourself as a lawyer in the administraton of the said estate, and was otherwise guilty of deceit and malpractice as lawyer and administrator of the said estate.

“(2) And it moreover appearing that there is reason to believe that as lawyer of Da. Cayetana Salazar, plaintiff in two certain causes filed in the clerk’s office of the said Court of First Instance for the Province of Mindoro, you did exact a large number of cattle, to wit, 108 head, as a fee for your pretended services, the value of the said 108 head of cattle being grossly excessive and exorbitant as compensation for your services in the said causes, and the said Cayetana Salazar having dismissed you from her employ because of your faithlessness, you appeared in open court and through malice did try to intimidate the said Cayetana Salazar by threatening that you could prejudice the said Cayetana Salazar by disclosing professional communications which she had made to you as her lawyer, and did otherwise fail to conduct yourself with all good fidelity to her in the said causes.

“(3) And it further appearing that there is reason to believe that you did as attorney for one Felix Lopez prosecute a case against one Toribio Gonzalez, who, in the August sessions of 1902, was convicted by the said Court of First Instance for the Province of Mindoro of the crime of *homicidio* and sentenced to six years and one day *prision correccional*, and you did then and there cause the said case to be appealed in order to obtain larger fees, you having already received with your associate P8,000 from said Lopez, and having also received P300 from the wife of the said Gonzalez for the defense of the said Gonzalez in the Supreme Court, and that you did otherwise misconduct yourself in the said cause.

“(4) And it also appearing that there is reason to believe that you have at different times, moreover, while practicing before the Courts of First Instance in and for the Provinces of Mindoro and Tayabas, otherwise grossly misconducted yourself in your said office as lawyer, and that you have otherwise practiced deceit and failed to conduct yourself in your said office with all good fidelity as well as to the said courts as to certain of your clients, as may be hereafter more particularly set forth:

“Therefore, it is ordered that on Thursday, the 2d day of March, 1905, at the

hour of 8 o'clock a. m., or as soon thereafter as the matter may be heard, in conformance with section 25 of the Code of Procedure in Civil Actions, you appear before the undersigned in the *casa tribunal* of the municipality of Calapan, in the said Province of Mindoro, to show cause, if any you may have, why you should not be suspended for deceit, malpractice, and other gross misconduct, from the further practice of your profession as a lawyer, and failing then and there to appear and answer, the undersigned will proceed to determine the matter *ex parte*.

(Signed) "PAUL W. LINEBARGER,
"Judge Seventh Judicial District."

A copy of this order was delivered to the defendant in the city of Manila by the sheriff thereof on the 17th day of January, 1905. On the 25th day of February, 1905, thirty-nine days after the respondent had received the foregoing order, he sent to the judge making the said order the following telegram:

"MANILA, *Febrero 25, 1905.*

"Hon. Juez Linebarger, Batangas.

"Respetuosamente ruego prórroga comparecencia Calapan por preparar apelacion Corte Suprema, sentencia Juez Sweeney.

"ADRIATICO."

In reply to the above request of the respondent, on the 1st day of March the said judge made the following order:

"Visto el anterior telegrama recibido del respondente Macario Adriatico pidiendo la prórroga de su comparecencia para responder en el presente procedimiento, para preparar, segun alega dicho respondente Macario Adriatico, su aplicaci6n ante el Tribunal Supremo de la sentencia que contra el fué dictada por el Honorable Juez Sweeney del Juzgado de Primera Instancia de la ciudad de Manila.

“Se ordena la prorroga de la vista de dicho procedimiento hasta el dia sabado, cuatro de los corrientes, k las ocho en punto de su manana.

“Asi se ordena.”

On the same day the said judge notified the respondent by the following telegram:

“BATANGAS, *March 1, 1905.*

“MACARIO ADRIATICO,

“Abogado, Calle Jolo, Binondo, Manila.

“Your telegram asking continuance of suspension proceedings received. Said proceedings will be continued two days from date to which rule is returnable, but if you do not appear at 8 a. in. Saturday, the 4th instant, proceedings Avill be heard ex parte.

“LINEBARGER, *Judge.*”

On the 4th day of March, 1905, the respondent not appearing, the court proceeded to a consideration of the said charges in accordance with the said order of March 1, and as a result of such investigation the court made the following finding of facts and the following order:

“El abogado Macario Adriatico, de un año a esta parte proximately, ha provocado varios reclamos y quejas contra si mismo, a causa de la mala conducta por el observada en el ejercicio de su profesion.

“Durante el afio pasado, mientras el infrascrito se hallaba de vacaciones, el Honorable Adolph Wislizenus, Juez de Primera Instancia, con fecha 2 de Abril de 1904, dicto contra el referido abogado Macario Adriatico los autos que obran a folios 4 al 12 de este procedimiento, en las causas civiles Nos. 9 y 10 y en la criminal No. 131, los cuales habiendo sido elevados al Juzgado Supremo, fueron devueltos a este tribunal con fecha 31 de Enero de 1905.

“En las ultimas sesiones ordinarios celebradas el ano pasado en el Juzgado de Mindoro, el gobernador de dicha provincia, Capitan R. S. Offiey, tuvo que intervenir en la administracion de los bienes del finado Ramon Valencia, en vista de la mala conducta observado por dicho Macario Adriatico como administrador de los referidos bienes, y el juzgado, oyendo las reclamaciones producidas en pleno tribunal por la viuda y herederos de dicho finado Ramon Valencia, tuvo que ordenar la remocion del citado Macario Adriatico de su cargo de administrador de los referidos bienes, en cuyo acto, es decir, durante la vista de las reclamaciones presentadas por la viuda y herederos del mencionado difunto, Macario Adriatico, como abogado y administrador, engano al tribunal inductendole k creer que cierta cantidad de dinero que alegaba haber adelantado a los herederos del difunto, provenia de su propio y exclusivo peculio y que lo habia adelantado personalmente y por si mismo, cuando en realidad de verdad dicha cantidad liabia tornado prestada de un tal Felix Lopez en su calidad de administrador de los bienes del nnado Ramon Valencia, ocultando injusta e ilegalmente al conocimiento del juzgado el hecho de que como tal administrador habia recibido, en concepto de prestamo, la dicha cantidad.

“El infrascrito asi engafiado por el abogado Macario Adriatico, solo conocio por casualidad la realidad del hecho cuando el dia 29 de Diciembre del ano 1.904, el dicho Felix Lopez presto la declaration que obra a folio 17 al 21 del presente procedimiento, presentando, ademas, cartas y documentos eorroborativos de su declaracion y los cuales obran fi folios 27 al 34.

“Habiendo recibido testimonios jurados y fidedignos de que el abogado Macario Adriatico habia ejercido malas practicas y hecho uso del engaflo ante el Tribunal de Mindoro en el ejercicio de su profesion, el que suscribe llamo al referido Abogado Macario Adriatico para que compareciera mientras se hallaba en Manila el mes de Diciembre pasado, y examinandole (fols. 21 al 26, 39 al 41 y 43 al 45) encontr6 que habia motivos racionales para expedir contra el la orden que obra a folios 60 al 63, basandose en este procedimiento.

“El juzgado, con mucha anticipaci6n notifico a dicho respondente Macario Adriatico de los cargos que sobre el pesaban asi como de la fecha de la vista del procedimiento que con motivo de dichos cargos se habia incoado contra el, habiendo sido cumplimentada en debida forma dicha orden de citacion por el sheriff de la ciudad de Manila en dieciocho de Enero de 1905, en conformidad

con el artículo 25 de la Ley No. 190.

“A pesar de esta notificación, el respondente no se ha dignado comparecer ni contestar al llamamiento que se le hizo, ni por escrito ni personalmente, habiéndose limitado a enviar un despacho telegráfico pidiendo una prórroga de la vista de la suspensión, prórroga que le fue concedida del día 2 de Marzo anteriormente señalado hasta la presente fecha 4 de Marzo de 1905, no habiendo tampoco comparecido dicho respondente ni contestado a los cargos en conformidad a la citación que se le hizo, ni por escrito, ni personalmente, aunque llegaron vapores de Manila a la Provincia de Mindoro a debido tiempo para que hubiese podido presentarse oportunamente sin pérdida de tiempo considerable, y contestar a los cargos en la fecha señalada, si así lo hubiera el efectivamente deseado.

“Habiéndose hecho constar la incomparecencia del respondente después de haber sido citado en debida forma, el juzgado, convencido de que dicho Macario Adriático no se disponía a presentar defensa alguna a las citadas alegaciones, sino varios pretextos para demorar la vista del procedimiento, resolvió proceder a la resolución del asunto ex parte, en conformidad con el artículo 25 de dicha Ley No. 190, y así procedió, y terminada la práctica de la averiguación, el infrascrito.

“Considerando las declaraciones prestadas por los testigos en el presente procedimiento, las mismas admisiones del respondente hechas ante el infrascrito en la ciudad de Manila el día 29 de Diciembre de 1904, habiendo examinado los autos en las causas referidas, teniendo en cuenta que dicho Macario Adriático no presentó ninguna defensa a las acusaciones que se produjeron contra él, y tomando además en consideración los actos de mala conducta realizados por dicho Macario Adriático.

“Encuentra que el referido Macario Adriático siendo abogado y administrador del abintestado del finado Ramon Valencia, ahora pendiente ante el Juzgado de Primera Instancia de la Provincia de Mindoro, se hizo culpable de haber observado malas prácticas y de haber empleado el engaño en la rendición de las cuentas de su cargo de administrador de dichos bienes, y que tomó prestado de un tal Felix Lopez la suma de tres mil quinientos pesos como administrador de los citados bienes, alegando que la parte de tres mil pesos del referido préstamo

lo liabia liecho bajo lo provisto en el articulo 678 del Codigo de Procedimiento Civil, y que habiendo de esta manera contraido tal preV tamo, engaiio al juzgado induciendole a creer que personalmente y por si misino adelanto dichas cantidades il los herederos del finado, o injustamente oculto a dicho juzgado el heeho de que como administrador habfa recibido del citado Lopez la suma de tres mil quinientos pesos, y que ademas bajo otros conceptos observe) una conducta ilegal grave como abogado en la administracion de dichos bienes y se bizo por otra parte culpable de malas practical como abogado y administrador de diehos bienes;

“Que como abogado de D.a Cayetana, demandante en eiertas dos causas presentadas en la oficina del escribano de dicho Juzgado de Primera Instancia de la Provincia de Mindoro, se apodero de un considerable numero de ganados, a saber: mas de cien cabezas, como honorarios por sus pretendidos servicios, siendo el valor de dichas cien cavezas de gaimdo sumamente excesivo, exorbitante, exagerado y fuera de razon como recompensa por sus servicios en dichas causas, y que la referida Cayetana Salazar, habiendo retirado de dicho Macraio Adriatico sus. poderes como abogado suyo, con motiyo de su infidelidad, el referido Macario Adriatico comparecio en plena corte j con malicia trato de intimidar a dicha Oayetana Salazar, amenazando perjudicarla con el descnbrimiento de coniidencias profesionales quo ella le habfa hecho como abogado, y que bajo otros coiiceptos deju do conducir>se con la debida fidelidad para con su dicha cliente Gayetana Salazar;

“Y por tanto, el jux.gado decreta la suspension de dicho abogado Macario AdriAtico del ejercicio de su profesion, por causa (le engnffo y malas practicas, privandole desde esta forha del ejercicio de su referida profesion de abogado en cualquier tribunal de estas Islas hasta nueva decesion de la Corto Suprema.

“Elevese a la Corte Suprema copia certincada de la orden de suspension y de la presente relacion minuciosa de hechos en que se fundo. la referida orden de suspension, y notifiqoso de la misma a Macario Adriatico con copia de la

(Firmado) “PAUL W. LINEBARGER,
“Jues de Primera Instancia,
Septimo Distrito Judicial,
“Islas Filipinas.”

The foregoing facts are fully supported by the evidence adduced during the trial of said cause. An examination of the record shows that the court might have included in his resume of facts supported by the evidence many others equally damaging to the professional character of the respondent, among which other facts may be mentioned the following:

First. That the defendant, while acting as administrator of the estate of Ramon Valencia, hypothecated with Antonio de Iribar, for the sum of P400, some of the shares of "La Compania Electricista de Manila," which belonged to the estate of the said Ramon Valencia, without any authority from the court and, so far as the record shows, on his own account. (See record, pp. 51, 118, 133, and 134.)

Second. That he induced different heirs of the said Ramon Valencia to sign receipts for certain sums of money, and after the said receipts had been delivered to him he would then turn over to the said heirs sums of money much smaller than the said receipts represented. (See record, pp. 111, 130, and 131.)

Third. That as administrator of the estate of the said Ramon Valencia he furnished rice to the heirs of the said deceased and charged them the sum of P8 per *cavan*, when the same rice could have been purchased at prices ranging from P5.50 to P7.25 per *cavan*, (See record, pp. 109, 115, 116, and 117.)

Fourth. That he and his associate as lawyers received from one Feliz Lopez the sum of P8,000 as fees to aid in the prosecution of one Toribio Gonzalez, who was charged with the crime of homicide, and that later after the termination of said prosecution he received from the wife of the said Toribio Gonzalez a sum of money for the purpose of aiding in the prosecution of the appeal of said cause.

By reason of the foregoing gross misconduct on the part of the respondent, Macario Adriatico, and by virtue of the provisions of section 21 of the Code of Procedure in Civil Actions, the said Macario Adriatico is hereby removed from his office as lawyer and the certificate permitting him to practice law issued to him by this court, dated May 6, 1901, is hereby canceled and annulled, and he, the said Adriatico, is to pay whatever costs have been incurred by him in the prosecution of this cause. (See sec. 24 of the Code of Procedure in Civil Actions.)

The record in this cause is hereby referred to the Attorney-General for the Philippine Islands with direction to investigate the facts referred to above and if he finds, upon such investigation, that the evidence is sufficient to sustain criminal charges, to institute such

criminal action immediately. So ordered.

Arellano, C. J., Torres, Mapa, Carson, Willard, and Tracey, JJ., concur.

Date created: May 05, 2014