

Title:

****Disbarment of Atty. Agripino A. Brillantes for Notarial Malpractice and Misrepresentation****

Facts:

The case emerged from a land dispute (Civil Case 657) in the Court of First Instance of Abra, where Atty. Agripino A. Brillantes represented the defendants. He presented a notarized deed of sale indicating his clients were not the real parties in interest. This deed was later contested for authenticity, leading to various legal proceedings against Atty. Brillantes.

Atty. Romeo R. Bringas filed two complaints accusing Atty. Brillantes of notarizing a document without being a commissioned notary public and knowingly introducing a falsified document in court. The preliminary investigation by Judge Leopoldo B. Gironella found a prima facie case against Atty. Brillantes, leading to criminal charges and an administrative case for his suspension from practicing law. The court a quo decided to suspend Atty. Brillantes for two years, a decision promptly reviewed by the Supreme Court.

Issues:

1. Jurisdiction of the Court of First Instance over a complaint for the suspension of an attorney.
2. Applicability of Rule 139-A concerning the procedure for disbarment under the Integrated Bar of the Philippines.
3. Relevance of the acknowledgment of the deed's authenticity by parties in Civil Case 657 to Atty. Brillantes' disbarment.
4. The effect of pending criminal cases against Atty. Brillantes on the administrative case for disbarment.
5. Alleged violation of the right to an impartial trial.
6. Validity and authenticity of Atty. Brillantes' claim of being a duly commissioned notary public.

Court's Decision:

The Supreme Court thoroughly reviewed the facts and issued a decision focusing on each legal issue. It affirmed that:

1. The Court of First Instance has jurisdiction over suspension or disbarment proceedings as per Rule 138 of the Rules of Court.
2. Rule 139-A does not withdraw the authority of courts to investigate and decide on

complaints against members of the Bar.

3. The acknowledgment of the deed's authenticity in Civil Case 657 is irrelevant to the disbarment proceeding, which aims to assess the attorney's professional conduct.

4. Pending criminal cases do not constitute prejudicial questions to the disbarment proceedings.

5. Atty. Brillantes did not demonstrate impartiality violation in the trial conducted by Judge Gironella.

6. Atty. Brillantes failed to prove his commission as a notary public for the term 1968-1969 convincingly.

The Supreme Court found Atty. Brillantes guilty of malpractice or gross misconduct, leading to his disbarment.

Doctrine:

The case reaffirms the jurisdiction of local courts over matters of attorney suspension or disbarment and the separate and distinct nature of administrative proceedings from criminal proceedings concerning legal practitioners' conduct.

Class Notes:

- **Jurisdiction in Disbarment/Suspension Cases**: Courts of First Instance (now Regional Trial Courts) have jurisdiction over disciplinary actions against lawyers, in addition to the Supreme Court, as per Rule 138 of the Rules of Court.

- **Separation of Proceedings**: Administrative disciplinary proceedings against lawyers are distinct from criminal proceedings, with different objectives, standards of proof, and implications.

- **Duty of Evidence in Notarial Appointments**: A lawyer accused of notarial malpractice must provide convincing evidence of being duly commissioned as a notary public.

- **Procedural Defenses vs. Substantive Evidence**: The reliance on procedural technicalities over substantive evidence of innocence can be detrimental in cases questioning professional conduct.

Historical Background:

At the time of this decision, the legal profession in the Philippines was undergoing significant scrutiny to uphold ethical standards and integrity. This case reflects the judiciary's stern stance against malpractice and misrepresentation within the legal profession, emphasizing the importance of lawyers' fidelity to truth and legal procedures.