

**PETITION FOR DISBARMENT. PLACIDO MANALO, PETITIONER, VS. PEDRO N. GAN, RESPONDENT.***Adm. Case No. 72. May 30, 1953*

Ponente: PARAS, C.J.

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In 1948 the respondent was the manager and legal adviser of the real estate department of the R. P. Halili Realty, a Manila real estate broker. On March 23, 1948, Benita Lahoz of Zamboanga City, through her counsel Dr. B. M. Gancy, asked the respondent to sell her participation in a residential lot of 520 square meters, situated in Data Street, Sta. Mesa Heights Subdivision, Quezon City. This lot appears to have been the conjugal property of Manuel Lahoz who died in Manila on February 17, 1945, and Benita Lahoz. On April 15, 1948, the respondent informed Benita Lahoz that he was interested in the whole property, inquired whether her deceased husband had other heirs and whether there was any testate or intestate proceeding, and told her that he was willing to give a loan on condition that he be furnished the owner's certificate of title, a power of attorney and other pertinent papers. By way of answer, Benita Lahoz sent to the respondent her petition for letters of administration in which it was alleged that Jose Lahoz, father of her deceased husband, was the surviving heir, at the same time requesting the respondent to file said petition in court and act as her attorney. On May 11, 1948, the respondent sent another letter to Benita Lahoz, informing that he had already found a buyer for her share in the lot and would remit to her a loan of P1,000 if she would immediately send by air mail the title, the deed of partition or affidavit of heirship, and the power of attorney in favor of the respondent. On May 12, 1948, Benita Lahoz executed the necessary special power appointing the respondent as her attorney-in-fact and counsel in the administration proceedings. The respondent accordingly sent to Benita Lahoz the sum of P1,000 as earnest money at the rate of P15 per square meter. On May 17, 1948, the respondent prepared the draft of an affidavit to be signed by Benita Lahoz, adjudicating to her the entire property as sole heir of her deceased husband, and caused her to sign it before a notary public. As the property was advertised for sale by the respondent in the Manila Times, the herein complainant, Placido Manalo, went to see the respondent on June 10, 1948. The latter exhibited the title and his power of attorney, assured the complainant that the deceased husband of Benita Lahoz had no other heir, and also showed the affidavit of adjudication executed by Benita Lahoz. After an ocular inspection, the complainant offered to buy the lot for P9,000. Accordingly, on June 12, 1948, the deed of sale was executed by the respondent as attorney-in-fact of Benita Lahoz, vendor, and by the complainant, vendee. Utilizing the affidavit of adjudication signed by Benita Lahoz, the respondent obtained from the Register of Deeds of Quezon City a transfer certificate of title in her name. Subsequently a transfer certificate was issued in favor of the complainant who proceeded to occupy the property until October, 1949, when he received a complaint filed against him and Benita Lahoz by Jose Lahoz, father of the deceased Manuel Lahoz, claiming ownership over one-half of the lot. These facts gave rise to the present proceeding for disbarment filed against the respondent by the complainant.

The respondent alleges that he had no knowledge of the existence of the other co-owner Jose Lahoz, that he acted in good faith, that he was not responsible of the acts of Benita Lahoz, and that he acted as a real estate broker and not as a lawyer. Respondent's knowledge of the ownership by Benita Lahoz of only one-half of the lot in question

is conclusively proved by the fact that Benita Lahoz had sent to him a petition for the issuance of letters of administration in her favor in which she stated that there was a surviving heir, named Jose Lahoz, father of her deceased husband, and by the very letter of the respondent dated May 11, 1948 wherein he showed such knowledge and spoke about the difficulty of selling the entire property. The act of the respondent in preparing the affidavit of adjudication to be signed by Benita Lahoz, with a view to consolidating in herself sole ownership, is inconsistent with any pretension of good faith. The extension of the loan of P1,000 to Benita Lahoz even before the prospect of a sale, was obviously intended to prevent her from backing out; and respondent's subsequent acts which led the complainant to believe that Benita Lahoz owned the entire property, coupled with the circumstance that the respondent was able to obtain a title in her name by presenting to the Register of Deeds the affidavit of adjudication which the respondent himself prepared, knowing that subdivision of lots in the Data section of Quezon City was not permitted, all were undoubtedly motivated by his desire to sell the property and thereby collecting not only the loan of P1,000, but also what he claimed to be for expenses, charges, attorney's fees and commission of five per cent.

The respondent is thus clearly guilty of deceit mentioned in section 25 of Rule 127 of the Rules of Court, as a ground for a lawyer's removal or suspension. The respondent's claim that he acted merely as a real estate broker and not as an attorney in the transaction at bar, deserves little or no consideration, since his knowledge of the law and skill as an attorney were evidently employed to his advantage, and Benita Lahoz in one of her letters expressly asked the respondent to act as her counsels in connection with her petition for the issuance of letters of administration. Indeed, she was charged P500.00 for attorney's fees; and in the power-of-attorney she authorized the respondent to represent her before any court, tribunal, department and office of the Government.

Wherefore, all things considered, the respondent is hereby suspended from the practice of law for a period of three years from the date of this decision. So ordered.

Feria, Pablo, Bengzon, Tuason, Jugo and Bautista Angelo, JJ., concur.

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