

IN RE: ATTY. ARTURO SAMANIEGO, RESPONDENT*Adm. Case No. 74. November 20, 1951*

Ponente: PARAS, C.J.

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The respondent attorney, Arturo Samaniego, has been charged by the Solicitor General with malpractice and recommended for proper disciplinary action.

Prior to 1948, Bernardo Samaniego (a cousin of the respondent) filed a war damage claim with the U. S. Philippine War Damage Commission. He was married to Isabel Medina and had three children, only one of whom is living. Save for a brief period in 1944, Bernardo Samaniego and his wife did not live together for about fifteen years, during which, however, he cohabited with Alexandra Cruz. Bernardo Samaniego and Alexandra Cruz had six children, although only four are living. Bernardo Samaniego died on February 29, 1948.

Sometime before September 21, 1948, a check (No. 383421) for P841.50 was issued by the U.S. Philippine War Damage Commission in the name of Bernardo Samaniego as a first payment of his claim. Claiming to be the widow of Bernardo Samaniego, Alexandra Cruz succeeded in getting the check from the postmaster of Malolos, Bulacan.

On September 21, 1948, the respondent and Alexandra Cruz went to the National City Bank of New York, Manila, with a view to cashing the check. The respondent sought the assistance of an acquaintance, Proceso Jodloman (an employee of the bank). After the respondent had signed the name of Bernardo Samaniego on the check, Proceso Jodloman (who has known the respondent since 1947) identified the same by affixing his own signature. After the respondent had again signed the name of the payee, Bernardo Samaniego, on the check before the bank teller, the latter paid its amount. Alexandra Cruz admitted having received the whole amount, although she alleged that she gave to the respondent the sum of P100 in payment of her obligation to respondent's mother.

The respondent claims that he had always honestly believed that; Alexandra Cruz was the lawful wife of his cousin, Bernardo Samaniego, and that he signed the name of Bernardo Samaniego in good faith, motivated solely by a desire to help Alexandra Cruz who needed the money with which to meet her many obligations and to buy medicine for her sick child. The respondent further argues that he never represented himself to Proceso Jodloman as Bernardo Samaniego, the payee of the check, for, as a matter of fact, he exhibited his residence certificate, car registration, and license to carry a pistol, as well as a poster of his candidacy for Governor of Bulacan.

While we are inclined to believe that the respondent showed to Proceso Jodloman the papers above mentioned, there is ample room for holding that the latter did not bother to scrutinize said papers and he might have readily thought that the respondent was Bernardo Samaniego. Indeed, according to the testimony of Proceso Jodloman, he had before this case known the respondent only as Attorney Samaniego and an ex-governor. This knowledge—undoubtedly engendering a high regard for the respondent—naturally might have led Proceso Jodloman to suppose that everything was regular, namely, that the respondent was the payee of the check. He must have acted in good faith, to the same extent claimed by the respondent.

Even if the respondent acted without malice in cashing the check and did not profit thereby, he knew that he was not Bernardo Samaniego and he signed the letter's name with full knowledge that he was dead. The respondent, a lawyer, surely anticipated that he could not cash the check otherwise than by signing, not his own name, but that of the dead payee. To this extent he misled the bank, and thereby committed an act indicative of moral laxity, least expected from and highly unbecoming a member the Bar. The excuse that the respondent merely wanted to help Alexandra Cruz, known to him as the widow of Bernardo Samaniego, is not valid, since he is assumed to be conversant with the legal requirements and procedure by which the widow could establish her right to the check. said excuse and respondent's good faith may, however, serve to mitigate his liability.

All things considered, including the circumstance that, although the drawer and drawee of the check cannot be said to have suffered any actual damage, the rights of the lawful wife (Isabel Medina) and heirs of the deceased Bernardo Samaniego have to be reckoned with, we hereby resolve to order that the respondent be, as he is hereby, suspended from the practice of law for a period of one year from and after the date this resolution shall have become final.

Feria, Pablo, Baengzon, Padilla, Tuason, Reyes, Jugo, and Bautista Angelo, JJ., concur.

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