

**MERCEDES AGDOMA, EUGENIA AGDOMA AND PEDRO AGDOMA,
PETITIONERS, VS. ATTY. ISAIAS A. CELESTINO, RESPONDENT.***Adm. Case No. 289. November 29, 1962*

Ponente: PADILLA, J.

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This is a disbarment proceeding against Isaias A. Celestino for malpractice and misconduct as a lawyer and notary public.

The complainants Mercedes Agdoma, Eugenia Agdoma and Pedro Agdoma are aunts and uncle of respondent Isaias A. Celestino, his deceased mother Eulogia Agdoma being the sister of the former. Both the complainants and the respondent, in representation of his late mother Eulogia, are the heirs of the late Julian Agdoma, the complainants' father and the respondent's grandfather. Julian Agdoma left a parcel of land situated in barrio San Juan, Alcala, Pangasinan registered in his name under original certificate of title No. 62507. On 23 July 1945 Julian Agdoma died, in Lambayong, Cotabato (Exhibits B, B-1 and B-2). On 9 March 1956 Anastacia Cabatic, Julian's wife, died in Alcala, Pangasinan (Exhibit C).

On or after 16 August 1955 Isaias A. Celestino filed in the Court of First Instance of Pangasinan an ex-parte petition in behalf of the late Julian Agdoma. In said petition he represented that his late grandfather was alive and that the latter's copy of original certificate of title No. 62507 had been burned by fire that razed to the ground his (Julian's) house in San Vicente, Alcala, Pangasinan; and prayed that the Registrar of Deeds in and for the province of Pangasinan be directed to issue another duplicate copy thereof (Exhibit E-1). The respondent supported the petition by an affidavit purportedly subscribed and sworn to be the deceased Julian Agdoma on 16 August 1955, before him (the respondent) Judge Jesus P. Morfe of the Court of First Instance of Pangasinan entered an order granting the petition and directing the Registrar of Deeds in and for the province of Pangasinan to issue another owner's duplicate of certificate of title No. 62507 (Exhibit F).

Two days before the respondent filed the ex-parte petition asking for a new copy of original certificate of title No. 62507, it was made to appear that for and in consideration of P1,000 Julian Agdoma had sold the lot described in the original certificate of title No. 62507 to the respondent in a deed of absolute sale (Exhibit C) purportedly acknowledged before notary public Julio B. Pequet who, however, turned out to be a fictitious or non-existent notary public in and for the province of Pangasinan (Exhibits I and J). By virtue of said sale, on 17 August 1955 the Registrar of Deeds in and for the province of Pangasinan cancelled original certificate of title No. 62507 in the name of Julian Agdoma and in lieu thereof issued transfer certificate of title No. 18925 in the name of respondent Isaias A. Celestino (Exhibit H). Afterwards, the respondent mortgaged the parcel of land for P425 to the Dagupan City branch of the Philippine National Bank. Until now the loan still is unpaid.

On 14 February 1957 the complainants filed in this Court a complaint praying for the disbarment of Isaias A. Celestino. On 19 February 1957 this Court ordered the respondent to answer the complaint within ten days from notice. On 15 March, the respondent in his behalf filed an answer denying all the material averments of the

complaint. On 18 March, this Court passed a resolution referring the case to the Solicitor General for investigation, report and recommendation. On 30 April, the Solicitor General forwarded the case to the Provincial Fiscal of Pangasinan for investigation, report and recommendation.

The Provincial Fiscal of Pangasinan set the hearing of the case for 26 April 1957, which was postponed to 9 May 1957. At the hearing held on 9 May, the respondent did not appear. The officer serving summons and notices certified that the respondent refused to sign the notice. The fiscal considered such refusal as a waiver by the respondent of his right to be present at the investigation. When the fiscal was preparing a report on the case based on the evidence presented by the complainants, attorney Cipriano V. Abenojar of Urdaneta, Pangasinan, on 10 June 1957 formally entered his appearance for the respondent and requested that the case be immediately set for hearing. The respondent expressed in writing his consent to the appearance of and motion by attorney Abenojar to set the case for hearing. The fiscal granted the request and set the hearing for 26 July 1957 with a warning that no further postponement would be granted. At the hearing held on 26 July, neither the respondent nor his counsel appeared. Instead, the latter filed a motion for postponement, alleging that the respondent and the complainants, being blood relatives, might settle amicably. This last motion was granted and the fiscal set the investigation for 20 August 1957 with a warning of no further postponement. Again, the respondent or his lawyer did not appear at the hearing on 20 August. Forthwith, the fiscal rendered a report finding the respondent Isaias A. Celestino guilty of malpractice and recommending to the Solicitor General that the correspond-in charges for disbarment be filed against him (respondent Celestino).

On 22 June 1959 the Solicitor General filed in this Court a formal complaint against Isaias A. Celestino for malpractice and breach of professional ethics. Letters and communications sent by this Court to the respondent directing him to answer the complaint filed by the Solicitor General were all returned undelivered or unserved, because the respondent could not be located at his given address at San Vicente, Alcala, Pangasinan. His attorney of record in the Provincial Fiscal of Pangasinan was also required to answer, but instead of answering, he requested that he be relieved as counsel for the respondent. At the oral argument of the case before this Court on 14 December, attorney Cipriano V. Abenojar appeared for the respondent. The Court ordered the respondent himself to submit a memorandum in lieu of oral argument.

The oral and documentary evidence points unerringly to the guilt of respondent Isaias A. Celestino as charged. The ex-parte petition wherein he sought another owner's duplicate of original certificate of title No. 62507 and presented himself as counsel for Julian Agdoma, his grandfather, who he knew had been dead since 23 July 1945, and the affidavit which he (the respondent) represented to have been subscribed and sworn to by Julian Agdoma before him (the respondent) as notary public, thus making it appear that his late grandfather was alive, and which he used to support the ex-parte petition, are clear evidence that the respondent Isaias A. Celestino had committed a wanton falsehood in court. And this wanton disregard for truth and honesty is aggravated by his forging or simulating a deed of sale of the parcel of land described in original certificate of title No. 62507 executed in his favor by his deceased grandfather Julian Agdoma when he (the respondent) knew that his grandfather had been dead ten years before and therefore could not have executed the deed of sale. To lend to this concoction a semblance of legality, the respondent made it appear that Julian Agdoma appeared and acknowledged the sale before one Julio B. Pequet, supposedly a notary public. But it clearly has been shown that Bald Julio B. Pequet was a non-existent or fictitious notary public. The residence certificate No. A-3609899 issued at Alcala, Pangasinan, on 14 February 1955, which the respondent attributed to pertain to and to have been exhibited by the late Julian Agdoma in swearing before him (the respondent) the supporting affidavit to the ex-parte petition seeking an owner's duplicate of the original certificate of title No. 62507 and in acknowledging the deed of sale before the fictitious notary public Julio B. Pequet, is another evidence showing the respondent's propensity to commit falsehood, because the said residence certificate does not belong to Julian Agdoma but to one Mrs.

Angela Eslava of Alcala, Pangasinan (Exhibit A). The clinching evidence of the respondent's guilt is the fact that after the ownership to the parcel of land had been transferred to him, he mortgaged it for P425 to the Philippine National Bank, Dagupan City branch.

The respondent avoided attending the hearings conducted by the Provincial Fiscal of Pangasinan. Even in this Court, his whereabouts are totally unknown. His knowledge that a disbarment proceeding had been filed or pending against him imposes upon him the duty to make himself or his presence available to this Court for a fair trial. That he could not be located at his known address without making his whereabouts known implies that he had chosen to waive every right and opportunity to put up his defense.

Therefore, the respondent Isaias A. Celestino is disbarred from the practice of the legal profession.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion. Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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