

ANTONIA MARANAN, COMPLAINANT, VS. MAGNO T. BUESER, RESPONDENT.

Adm. Case No. 1341. May 17, 1983

Ponente: AQUINO, J.

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AQUINO, J.:

Magno T. Bueser, a lawyer admitted to the bar in 1948 secured for Antonia Maranan in 1967 a judgment requiring Pascual Perez to pay Maranan P9,000 as actual and moral damages plus interest from December 6, 1961 (Maranan vs. Perez, L-22272, June 26, 1967, 20 SCRA 412, 418).

His contingent fee in that case and in a criminal case wherein he served as private prosecutor of the accused, who killed Maranan's son, amounted to P4,000.

Perez had no cash to satisfy the judgment. He was willing to convey to Maranan a parcel of registered land located at Barrio Sta. Rita, Batangas City with an area of 245 square meters at a price of P50 a square meter. Bueser allegedly advised Maranan of that fact on December 31, 1971. Maranan signified her conformity to the proposal. Bueser informed Perez of that fact. Maranan denies this allegation.

The transfer was duly made to Maranan. Bueser said that Maranan knew of the issuance of the title in 1972 but Maranan told him to just hold the title as Maranan would find a buyer for the property and pay his fees.

In 1976 the land was sold for P10,000. Maranan and Perez manifested to the trial court that her claim had been satisfied with the payment of P10,000 (Exh. 23). On March 10, 1976, Bueser was paid by Maranan P3,000 as his attorney's fees (Exh. 24).

The disbarment complaint in this case was filed on July 10, 1974 because Maranan allegedly did not know that the judgment had been compromised by the transfer of a 245-square-meter land in her favor. This point is disputed by Bueser.

We have reviewed carefully the actions of lawyer Bueser. We find that he was not guilty of censurable conduct or practice justifying disbarment. In cases where the lawyer's fee is a contingent fee, it is natural for him to protect his interest. On the other hand, the client, who suffered damages which had not been satisfied due to the long delay, has reason to suspect that her interests might have been betrayed.

The Solicitor General has carefully analyzed the evidence. He recommends the exoneration of Bueser. We find the recommendation to be well-founded.

WHEREFORE, this case is dismissed and considered closed.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero, Abad Santos, De Castro and Escolin, JJ., concur.

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