

CASIANO U. LAPUT, PETITIONER, VS. ATTY. FRANCISCO E. F. REMOTIGUE, ATTY. FORTUNATO R. PATALINGHUG, RESPONDENTS.*Adm. Case No. 219. September 29, 1962*

Ponente: LABRADOR, J.

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This is an original complaint filed with this Court charging respondents with unprofessional and unethical conduct in soliciting cases and intriguing against a brother lawyer, and praying that respondents be dealt with accordingly.

The facts which led to the filing of this complaint are as follows: In May, 1952, petitioner was retained by Nieves Rillas Vda. de Barrera to handle her case (Sp. Proc. No. 2-J) in the Court of First Instance of Cebu, entitled "Testate Estate of Macario Barrera". By January, 1955, petitioner had contemplated the closing of the said administration proceedings and prepared two pleadings: one, to close the proceedings and declare Nieves Rillas Vda. de Barrera as universal heir and order the delivery to her of the residue of the estate and, second, a notice for the rendition of final accounting and partition of estate. At this point, however, the administratrix Nieves Rillas Vda. de Barrera refused to counter-sign these two pleadings and instead advised petitioner not to file them. Some weeks later, petitioner found in the records of said proceedings that respondent Atty. Fortunato Patalinghug had filed on January 11, 1955 a written appearance as the new counsel for Nieves Rillas Vda. de Barrera. On February 5, 1955 petitioner voluntarily asked the court to be relieved as counsel for Mrs. Barrera. On February 7, 1955, the other respondent, Atty. Francisco E. F. Remotigue, entered his appearance, dated February 5, 1955.

Complainant here alleges that the appearances of respondents were unethical and improper for the reason that they had nursed the desire to replace the petitioner as attorney for the estate and the administratrix and, taking advantage of her goodwill, intrigued against the preparation of the final inventory and accounting and prodded Mrs. Barrera not to consent to petitioner's decision to close the administration proceedings; that before their appearance, they brought petitioner's client to their law office and there made her sign four documents captioned "Revocation of Power of Attorney" and sent the same by mail to several corporations and establishments where the estate of Macario Barrera is owner of certificates of stocks and which documents purported to disauthorize the petitioner from further collecting and receiving the dividends of the estate from said corporations, when in fact and in truth the respondents fully knew that no power of attorney or authority was given to the petitioner by his client, the respondents' motive being to embarrass petitioner to the officials, lawyers and employees of said corporations, picturing him as a dishonest lawyer and no longer trusted by his client—all with the purpose of straining the relationship of the petitioner and his client, Nieves Rillas Vda. de Barrera; and that Atty. Patalinghug entered his appearance without notice to petitioner.

In answer, respondent Atty. Patalinghug stated that when he entered his appearance on January 11, 1955 the administratrix Nieves Rillas Vda. de Barrera had already lost confidence in her lawyer, the herein petitioner, and had in fact already with her a pleading dated January 11, 1955, entitled "Discharge of Counsel for the Administration and Motion to Cite Atty. Casiano Laput", which she herself had filed with the court.

In answer, respondent Atty. Remotigue stated that when he filed his appearance on February 7, 1955, the petitioner has already withdrawn as counsel.

After separate answers were filed by the Respondents, the Supreme Court referred the case to the Solicitor General for investigation, report and recommendation. The Solicitor General recommended the complete exoneration of respondents.

It appears and it was found by the Solicitor General that before respondent Atty. Fortunato Patalinghug entered his appearance, the widow administratrix had already filed with the court a pleading discharging the petitioner, Atty. Casiano Laput. If she did not furnish Atty. Laput with a copy of the said pleading, it was not the fault of Atty. Patalinghug but that of the said widow. It appears that the reason why Mrs. Barrera dismissed petitioner as her lawyer was that she did not trust him any longer, for one time she found out that some dividend checks which should have been sent to her were sent instead to petitioner, making her feel that she was being cheated by petitioner.

Moreover, she found that withdrawals from the Philippine National Bank and Bank of the Philippine Islands have been made by petitioner without her prior authority.

We see no irregularity in the appearance of respondent Atty. Fortunato Patalinghug as counsel for the widow; much less can we consider it as an actual grabbing of a case from petitioner. The evidence as found by the Solicitor General shows that Atty. Patalinghug's professional services were contracted by the widow, a written contract having been made as to the amount to be given him for his professional services.

Petitioner's voluntary withdrawal on February 5, 1955, as counsel for Mrs. Barrera after Atty. Patalinghug had entered his appearance, and his (petitioner's) filing almost simultaneously of a motion for the payment of his attorney's fees, amounted to an acquiescence to the appearance of respondent Atty. Patalinghug as counsel for the widow. This should estop petitioner from now complaining that the appearance of Atty. Patalinghug was unprofessional.

Much less could we hold respondent Atty. Remotigue guilty of unprofessional conduct inasmuch as he entered his appearance, dated February 5, 1955, only on February 7, same year, after Mrs. Barrera had dispensed with petitioner's professional services on January 11, 1955, and after petitioner had voluntarily withdrawn his appearance on February 5, 1955.

With respect to the preparation by Atty. Patalinghug of the revocations of power of attorney as complained of by petitioner, the Solicitor General found that the same does not appear to be prompted by malice or intended to hurt petitioner's feelings, but purely to safeguard the interest of the administratrix. Evidently, petitioner's pride was hurt by the issuance of these documents, and felt that he had been pictured as a dishonest lawyer; for he filed a case before the City Fiscal of Cebu against Atty. Patalinghug and the widow for libel and falsification. It was shown, however, that the case was dismissed.

No sufficient evidence having been submitted to sustain the charges, these are hereby dismissed and the case closed.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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