

AVELINA C. ARAGON, PETITIONER, VS. ATTY. TOMAS B. MATOL, RESPONDENT.*Adm. Case No. 887. October 31, 1969*

Ponente: FERNANDO, J.

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No greater responsibility devolves upon a member of the bar than that of living up to its high and exacting standards. Failure on his part to do so, when called to our attention and upon a showing that such indeed was the case, entails consequences far from pleasant. He is as is but just and proper, held accountable; whatever disciplinary measure is warranted is imposed. At the same time, while this Court carefully looks into and scrutinizes every complaint for misconduct, it never displays any hesitancy to clear the respondent before it from any unjustified charge or undeserved imputation. That is the least that can be done to remedy matters. The stain on his good name must be removed, the blot on his record erased. So justice requires. So it must be in this proceeding against respondent Tomas B. Matol, a member of the Philippine Bar.

In the petition for disbarment filed by the complainant, Avelina C. Aragon, on August 22, 1969, it was alleged that she retained his services as her counsel in a civil case for damages, entitled *Avelina Aragon v. Perfecto de la Rosa & Apolinario Acosta*,^[1] filed with the Court of First Instance of Oriental Mindoro; that on October 21, 1964, such a court promulgated an order dismissing the above case, a copy of which order was received by respondent as such counsel; that, notwithstanding the lapse of time from the receipt of such order of dismissal, complainant allegedly even periodically inquiring from respondent Matol about the status of her case from 1964 to the early part of 1969, she was never informed thereof; that on July 7, 1969, she did secure a copy of such order of dismissal from the Clerk of Court of the Court of First Instance of Oriental Mindoro; that there was an admission by respondent of his having received a copy of the 1964 order and a failure to advance a reasonable explanation for such omission to inform her. The petition prayed for the investigation, "and, if the evidence warrants, that he be removed from the Roll of Attorneys."^[2]

Respondent Tomas B. Matol, having been required to answer by virtue of our resolution of August 29, 1969, did fully file the same on September 9 of this year. After admitting that he is a member of the Philippine Bar, having passed the bar examination and having been admitted in the practice of law in 1962, and that his services were in fact retained as counsel for complainant in the case for damages then pending with the Court of First Instance of Oriental Mindoro which was dismissed by the order of October 21, 1964, as alleged in the petition, he denied the truth of the imputation that he failed to notify complainant of such dismissal.

What happened, according to him, was that a copy of such order was immediately sent, upon the receipt thereof, to petitioner at 1230 Juan Luna Street, Tondo, Manila, by registered mail, attaching to his answer the duplicate original of his letter to complainant wherein he informed her that he received, on the morning of October 26, 1964, such an order, and that he was sending a copy to her asking her at the same time whether she would like to have him take the steps for the reconsideration thereof, likewise attaching as part of his answer the registry receipt return card No. 7351 which would indicate that either petitioner or someone in her house did receive such

letter on October 30, 1964.[3] He further stated that even before such promulgation of the order of dismissal of October 21, 1964, complainant did she his wife at their residence in Calapan, Oriental Mindoro, re-spondent being at the time in San Jose, Occidental Mindoro for the purpose of getting all the records of such case, alleging that she would seek the legal assistance of "one of her lawyers." His wife's request to wait for him not being heeded by complainant, she did deliver to her all of such records of that particular case, complainant issuing a receipt, attached to the answer, of the following tenor: "I [hereby] certify that I received from Atty. Tomas B. Matol the records of Civil Case No. 1040 Re: Castillo vs. De La Rosa for transfer to one of my lawyers." [4] It was dated September 2, 1964 with the place, Calapan, Oriental Mindoro, likewise noted. It was duly signed Avelina Castillo Aragon, the name of petitioner.

Likewise attached to the answer is a five-page motion for reconsideration of the aforesaid lower court order of October 21, 1964 filed on November 18, 1964 on behalf of complainant, as plaintiff, by her new counsel, Agustin V. Velante.[5] The answer further noted that on December 9, 1964 there was an order from the lower court denying such a motion for reconsideration for lack of merit.[6]

It is not to be lost sight of that copies of the answer, with its annexes as well as a brief memorandum on the part of re-spondent seeking the dismissal of the complaint against him, were sent to petitioner at her address at 1230 Juan Luna Street, Tondo, Manila by registered mail dated September 16, 1969. As of this date, complainant remains unheard from. Such silence on her part is indicative of her inability to assail the veracity of what was alleged. Considering, likewise, the annexes above referred to consisting of the duplicate original of the letter informing her about the alleged order, of which she was notified, dated as far back as October 26, 1964, the registry return receipt of October 30, 1964, the receipt that she was able as early as September 2, 1964, to take possession of the records of such a case so that she could avail himself of the services of another counsel, the motion for reconsideration filed by such new counsel, a lawyer from Manila, and the denial of such motion for reconsideration, it would appear that either out of deficient memory or lack of sufficient respect for the truth, complainant did impute a misconduct to respondent, of which he was innocent. Hence, there can be no other conclusion except that this complaint should be dismissed.

One last word. The observation is ever timely and is ever apt that great care should be taken by a client before lodging a complaint for disciplinary action. As was so appropriately observed by the great jurist, Cardozo: "A reputation [in the legal profession] is a plant of tender growth, and its bloom, once lost, is not easily restored." [7] Very often, the livelihood of a member of the bar depends upon maintaining intact such a reputation. Equally dear to an advocate is the maintenance of the esteem that the public has for his probity, his dedication, his conscientiousness. The charge that he is neglectful of his client's interest, even if unfounded, as in this case, is unfortunately not without its adverse effect. There is all the more reason, then, to caution anyone who has availed himself of his services against any reckless or unfounded accusation, as did occur in this case. It is not enough to affirm that respondent Tomas B. Matol has not in any wise committed the malpractice imputed to him. The complainant, Avelina C. Aragon, must be admonished and cautioned against the repetition of the filing of such a baseless charge against any member of the bar.

WHEREFORE, this complaint for malpractice against Tomas B. Matol, a member of the Philippine Bar, is hereby dismissed.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Teehankee, and Barredo, JJ., concur.

[1] Civil Case No. R-1040.

[2] Petition dated August 18, 1969 and filed on August 22, 1969.

[3] Answer, par. 3 and Annexes A and B.

[4] Ibid, Defenses and Annex C.

[5] Ibid, Annex D.

[6] Ibid, Annex E.

[7] People ex. rel. Karlin v. Culkin, 162 NE 487, 492 (1928).

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