

DOMINGA PABILIN, COMPLAINANT, VS. ATTY. DOMINGO C. LAGULA, RESPONDENT.

Adm. Case No. 1104. June 29, 1982

Ponente: BARREDO, J.

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BARREDO, J.:

Complaint for disbarment on the ground of deceit and malpractice.

After respondent had filed his answer to said complaint, the Court referred the case to the Solicitor General for investigation and recommendation.

On June 1, 1982, the Solicitor General submitted his report which in its pertinent part reads as follows:

"ARGUMENT

"Let it be stated that even before evidence could be presented, complainant withdrew complaint against respondent.

"At the initial hearing of this case, complainant admitted her mistake as to the incidents relative to the sale of the land in question and testified as follows:

"INVESTIGATOR:

"What prompted you to withdraw this case which you filed against Atty. Lagula?

"PABILIN, D.:

"I am withdrawing the complaint, sir, because I realize now that it was not true that Atty. Lagula sold the land; and I made a mistake of signing the affidavit.

"INVESTIGATOR:

"This statement of yours that it is not true that Atty. Lagula sold the land, what is the truth which you now have come to realize?

"PABILIN, D.:

"Because I came to know sir that the land which is in the possession of Gregoria Paringit was sold to her by Atty. Paringit and not Atty. Lagula. That is why I made the mistake.

"INVESTIGATOR:

"With regard to the contents of this affidavit of yours—paragraph 1 of this affidavit says—'That sometime about the middle part of the year 1969, I was asked by one Atty. Domingo Lagula of Aritao, Nueva Viscaya to go to his residence because of a very important matter which he had to take up with me'—is that true?

"PABILIN, D.: "This is true, sir. He even called for my other brother and sisters.

"INVESTIGATOR:

"What is this important matter which Atty. Lagula wanted to talk with you when he called for you sometime in 1969?

"PABILIN, D.:

' He called for us because he was our lawyer in a certain case he was handling for us.

"INVESTIGATOR:

"This second paragraph which reads— 'I arrived at his house and I was surprised to see that all my brothers and sisters were also present. Atty. Lagula said that we have to sign our signature on the paper he will give us because it is necessary to present the paper to the local Register of Deeds regarding the title of our land'—what can you say to that?

"PABILIN, D.:

"He told us that we have to sign certain papers, that he requested us to sign but it was in connection with a case he was handling for us.

"INVESTIGATOR:

"How about the following paragraph which reads—"That, Atty. Lagula gave us a paper to be signed. He was forcing us to sign a blank paper which later he was able to force two of my sisters and a brother, namely: Maria, Antonio and Esperanza both surnamed Pabilin':—did you sign the paper?

"PABILIN, D.:

"No, sir.

"INVESTIGATOR:

"Now, with respect to this fifth paragraph which reads—'that the land Atty. Lagula was referring to is the five (5) hectare land declared in the name of my father Martin Pabilin. However, on or about June of the year 1971, while I was gathering mangoes in this land of my father, one by the name of Gregoria Paringit called my attention that I will not continue gathering mangoes because the land is already hers. To my surprise, I asked how it happened that she owned the land. She answered that she bought it from Atty. Lagula.'—what do you say about this?

"PABILIN, D.: "It is not true sir.

"INVESTIGATOR:

"Now, it seems that you are practically denying every statement in the affidavit and that you are withdrawing the complaint, is this decision of yours voluntarily or is it because you were under force or duress to do so by somebody?

"PABILIN, D.:

"No, sir, voluntary. "INVESTIGATOR:

"At any rate, is it not a fact that Mr. Lagula paid you a consideration in order that you will withdraw this complaint?

"PABILIN, D.

"No, sir. "INVESTIGATOR:

"Do you have anything more to say? "PABILIN, D.:

"No more, sir. (t.s.n., January 9, 1974, pp. 5-10).

"The above testimony was corroborated by complainant's sisters, Maria and Esperanza, and brother Antonio (tsn., January 9, 1974, pp. 12-25).

"On the other hand, respondent presented evidence (Exhibits 1, 2 and 3, Records, pp. 9-11) to prove that he had no participation in the sale of the land in question, the same having been sold by Atty. Gabriel Paringit, the original owner, to Gregoria Paringit.

"Such being the case, the dismissal of the instant complaint is warranted. The serious consequences of disbarment should follow only where there is a clear preponderance of evidence against a respondent attorney (In re Tiongko, 43 Phil. 193), which is clearly absent in this case.

"RECOMMENDATION

"PREMISES CONSIDERED, it is hereby respectfully recommended that the instant complaint for disbarment against Atty. Domingo C. Lagula, be dismissed." (Pp. 3-7, Report of the Solicitor General.)

We are satisfied that the above recommendation is sustained by the record. Accordingly, the same is approved and this case is hereby ordered dismissed with the exoneration of respondent.

Fernando, C.J., Teehankee, Makasiar, Aquino, Concepcion Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Vasquez, Relova and Gutierrez, Jr., JJ., concur.

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