

EDUARDO J. BERENGUER, COMPLAINANT, VS. PEDRO B. CARRANZA, RESPONDENT.*Adm. Case No. 716. January 30, 1969*

Ponente: FERNANDO, J.

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The law is an exacting taskmaster. Membership in the bar, as so appropriately put, is a privilege burdened with conditions.[1] A lawyer is called upon by virtue of his oath of office to "do no falsehood, nor consent to the doing of any in court; * * [and to] conduct (himself) as a lawyer according to the best of [his] knowledge and discretion with all good fidelity * * * to the courts* * *"[2] The question, one that has an element of novelty, is whether respondent Pedro B. Carranza, duly admitted to the practice of the law, did get entangled in the complexity of the strands in the web of obligation such an oath imposes? More specifically, did he manifest the utmost fealty to the trust reposed in him as an officer of the Court by taking all necessary measures to avoid the court being misled, even if such were the result not of design but of inadvertence?

A complaint against respondent Pedro B. Carranza was filed on July 15, 1966, for deception practiced on the Court of First Instance of Sorsogon, in that aware of the falsity of an Affidavit of Adjudication and Transfer executed by the mother of his client to the effect that her own mother left no legitimate ascendants or descendants or any other heirs except herself, when, as a matter of fact, the deceased was survived by four other daughters and one son, father of the complainant, he introduced the same in evidence.[3]

Respondent Carranza was required in our resolution of July 22, 1966, to file an answer. Thereafter, on August 17, 1966, he did so, alleging as the truth of the matter that the aforesaid Affidavit of Adjudication and Transfer was introduced in evidence only to prove the fact of such transfer of the property in question to his client, respondent having "no hand in the making of said affidavit nor of the petition, both of which were prepared in Pasay City." [4]

On September 1, 1966, the matter was referred by us to the Solicitor General for investigation, report and recommendation. Such investigation was had wherein both complainant and respondent were duly heard. The issue in the opinion of the then Solicitor General, the Honorable Antonio Barredo, now a member of this Court, as set forth in his report of March 18, 1968, is whether respondent "consented in violation of his oath, to the doing of any falsehood in court."

It was admitted in said report: "If respondent had anything to do with the preparation of the Petition or of the Affidavit of Adjudication, his participation does not appear from the evidence presented in this case. The Petition was subscribed and sworn to in Pasay City before one Atty. A. Mendoza, while the Affidavit was subscribed under oath in Pasay before Notary Public Ernesto V. Ventura. The foregoing documents were posted from Pasay to the Clerk of Court, Sorsogon * * *"[5]

It was likewise noted that respondent testified as to his being "not 'very meticulous about the petition' because there was neither private nor government opposition thereto; that if he had intended to deceive the court by virtue of the documents, he could have told his client to answer his questions at the cadastral hearing to conform to the

controverted paragraph in the Affidavit of Adjudication concerning the statement reproduced from the tax declaration that the decedent left no legitimate ascendants or descendants or any other heirs except the affiant * * *."[6]

There is this admission in the aforesaid report. Thus: "As the evidence stands, there is no apparent causal link between the falsehood and the fact that respondent is the lawyer handling the cadastral case at the Sorsogon end."[7] Nonetheless, while recognizing the absence of evidence that such falsehood in the Affidavit of Adjudication could be traced to respondent, the report would hold him liable for discretionary action as the circumstance that various estates are involved "certainly warranted a greater exercise of diligence on respondent's part."[8]

Moreover, as likewise stated therein, the fact "that he did not even bother to read the entirety of the affidavit runs counter to respondent's inescapable duty to clear up doubts and inconsistencies."[9] For he could have been aware of the family litigations between his client and complainant which are rooted in successional rights * * *."[10] If only for the above fact then, as stated in the report, "he should precisely have taken the bother to read the entirety of the Affidavit of Adjudication when the cadastral case was heard on January 17, 1966 * * *."[11]

From which, in the light of the above, it was the conclusion of the then Solicitor General Antonio Barredo, assisted by Assistant Solicitor General Frine Zaballero: "If he did not, he cannot be relieved from the consequences of his acts as a lawyer, and disclaim responsibility therefor. To allow respondent relief from his duty is to ignore what is obvious from the nature of the litigations in which he entered his appearance * * *. Actually, respondent's failure to read the affidavit proves that he did not properly inform himself of the evidence he was going to present in court, thereby exhibiting an indifference to proof inconsistent with facts he definitely knows. Thus, respondent has contributed to confusion and the prolongation of the cadastral suit, which pends as a petition for Relief * * *."[12]

It was the recommendation that the corresponding complaint for the violation of his oath against respondent be instituted. Such complaint was filed by the two above officials on March 18, 1968. Respondent was charged with "violation of his oath of office, [having] caused confusion and prolongation of the cadastral suit for presenting evidence therein containing a false statement inconsistent with facts he definitely knows by reason of the family litigations between his client and complainant herein, which are rooted in successional rights [and that] respondent's failure to discharge his duties as a lawyer consistent with his oath of office finds sanction in Rule 138, Section 27, Revised Rules of Court."[13]

Respondent in his answer, dated May 16, 1968, raised no issue as to the facts. He would allege in justification however "that while it is true that the * * * respondent was the counsel who appeared for the petitioner in Cadastral Case No. 2, LRC Cadastral Record No. 869 of Sorsogon Cadastre, yet he had nothing to do with the making of the petition and the annexes thereto attached; for the same were made in Pasay City and that when [he] accepted to represent the petitioner in the Cadastral Case mentioned above, there 'was no opposition from anybody * * * not even from the Bureau of Lands nor from the Honorable Solicitor General, making, therefore, the hearing therein a mere formality. Such being the case, the [respondent] presented the petitioner's case on January 17, 1966, without meticulously going over the documents, and the alleged Affidavit of Adjudication and Transfer was presented to show the fact of transfer of the land described therein from the affiant to her son. The stenographic notes in that proceeding will bear this matter out. [Respondent's] failure to notice the existence of an incorrect statement in the said affidavit was a mere over-sight. It was not [wilful], for he has not consented to the doing of the falsity therein made, since the same was prepared by petitioner's lawyer in Pasay City; nor did [respondent] willingly do falsehood in the hearing mentioned above; * * *."[14]

There is something unique in this proceeding then. With the finding of the then Solicitor General Barredo that there was nothing wilful in the conduct pursued by respondent in thus introducing in evidence the Affidavit of Adjudication and Transfer which turned out to be false, in the preparation of which, how-ever, he had nothing to do, the charge of deliberate deception obviously cannot be sustained.

Would that of itself entirely exculpate him from any responsibility? The answer must be in the negative. As was correctly pointed out in the complaint, his failure to exercise greater care did result in the "confusion and prolongation of the cadastral suit." Under the circumstances, it would be to err on the side of undue leniency if he would be held blameless. He had incurred liability. His fidelity to his oath as attorney was less than entire.

Every member of the bar must be on his guard, lest through oversight or inadvertence, the way he conducts his case or the evidence he presents could conceivably result in a failure of justice. Time and time again, lawyers have been admonished to remember that they are officers of the court, and that while they owe their clients the duty of complete fidelity and the utmost diligence, they are likewise held to strict accountability insofar as candor and honesty towards the court is concerned.

Even if there be no intent to deceive, therefore, a lawyer whose conduct, as in this case, betrays inattention or carelessness should not be allowed to free himself from a charge there-after instituted against him by the mere plea that his conduct was not wilful and that he has not consented to the doing of the falsity.

A lawyer's oath is one impressed with the utmost seriousness; it must not be taken lightly. Every lawyer must do his best to live up to it. There would be a failure of justice if courts cannot rely on the submission as well as the representations made by lawyers, insofar as the presentation of evidence, whether oral or documentary, is concerned. If, as unfortunately happened in this case, even without any intent on the part of a member of the bar to mislead the court, such deplorable event did occur, he must not be allowed to escape the responsibility that justly attaches to a conduct far from impeccable.

WHEREFORE, respondent Pedro B. Carranza is reprimanded and warned that a repetition of an offense of this character would be much more severely dealt with. The Court of First Instance of Sorsogon, through any of the district judges, is hereby directed to administer in public the reprimand thus imposed on respondent Pedro B. Carranza. The complainant, Eduardo J. Berenguer, must be duly informed of the date when such reprimand is to be administered.

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

Barredo, J., did not take part.

[1] In re Rouss, 116 N.E., 783 (1917).

[2] Sec. 3, Rule 138, Rules of Court.

[3] Complaint of Eduardo J. Berenguer of July 14, 1966, pars. 3 to 9.

[4] Answer of Respondent, par. 4.

[5] Report, p. 6.

[6] Ibid, p. 7.

[7] Ibid.

[8] Ibid, p. 9.

[9] Ibid

[10] Ibid.

[11] Ibid.

[12] Ibid.

[13] Complaint, pars. 7 and 8.

[14] Answer, pars. 3 and 4.

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