

GODOFREDO A. VILLALON, COMPLAINANT, VS. ATTY. JIMENEZ B. BUENDIA, RESPONDENT.

Adm. Case No. 2747. July 06, 1995

Ponente: QUIASON, J.

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QUIASON, J.:

This is an administrative complaint filed against respondent, charging him with committing falsehood in the complaint for sum of money filed by him in Civil Case No. 84-28455 of the Regional Trial Court, Manila.

I

On January 20, 1970, complainant prepared and notarized a deed of sale involving a half portion of the lot described in TCT No. 147977 of the Registry of Deeds of Quezon City in favor of the spouses Andres Zeta and Felicidad Catada.

In 1972, complainant, together with the vendees of the lot covered by TCT No. 147977 and the witnesses to the deed of sale, was charged with the crime of falsification (Criminal Case No. 12631) with the Court of First Instance of Manila.

On September 29, 1972, a complaint was filed by Felicidad de Guzman-Sarmiento, the wife of Severino Sarmiento, against the vendees and the Register of Deeds of Quezon City with the Court of First Instance of Quezon City (Civil Case No. Q-16942) for annulment of the deed of sale, repossession of property and damages. The plaintiff was assisted by Atty. Melquiades Paredes.

On November 23, 1973, Felicidad de Guzman-Sarmiento, assisted by respondent, filed an administrative complaint for disbarment (Adm. Case No. 1263) against complainant for having prepared and notarized the deed of sale wherein it was made to appear that she personally appeared and signed the deed before him when in fact she did not.

On January 30, 1982, this Court found complainant guilty of misconduct, both as a member of the bar and as a notary public. Hence, he was suspended for three months with a warning that further misbehavior on his part will merit a more drastic punishment.

Respondent filed a motion for reconsideration of the aforementioned decision asking for its modification to include the declaration of the nullity of the deed of sale. This Court, in a resolution dated July 30, 1982, resolved to deny the motion on the ground that an administrative case is not the proper forum for such relief.

Thereafter, respondent filed Civil Case No. 36273 in the Regional Trial Court of Quezon City for annulment of the deed of sale, repossession of property and damages. The case was dismissed on the ground that it was a mere reproduction of Civil Case No. Q-16942 previously filed by Atty. Paredes in behalf of Felicidad de Guzman-Sarmiento.

On December 19, 1984, respondent filed a complaint for a sum of money with damages with the Regional Trial Court, Branch 49, Manila (Civil Case No. 84-28455) against complainant with respect to the deed of sale notarized by the latter to the prejudice of Felicidad de Guzman-Sarmiento, respondent's client.

Alleging that the complaint for sum of money with damages contained falsehood and lies, complainant filed this administrative complaint against respondent for violation of the lawyer's oath, specifically the part which states: "I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, nor give aid nor consent to the same."

This Court in a resolution dated September 16, 1985 referred this case to the Solicitor General for investigation, report and recommendation.

With the effectivity of Rule 139-B on June 1, 1988, this case was forwarded to the Board of Governors of the Integrated Bar of the Philippines (IBP) for investigation and recommendation.

On July 24, 1990, the IBP Board of Governors rendered its decision, dismissing the complaint.

II

The only issue is whether the allegations in the complaint for sum of money with damages contains falsehood which would constitute a violation of the lawyer's oath.

Section 3, Rule 6 of the Revised Rules of Court defines a complaint as a concise statement of the ultimate facts constituting the plaintiff's cause or causes of action. "The term `ultimate facts' as used in Section 3, Rule 3 of the Revised Rules of Court, means the essential facts constituting the plaintiff's cause of action. A fact is essential if it cannot be stricken out without leaving the statement of the cause of action insufficient xxx" (Tantuico, Jr. v. Republic, 204 SCRA 428, 437 [1991]).

In the case at bench, the complaint for a sum of money with damages filed by respondent against complainant sufficiently conforms with the said definition of a complaint. The allegations therein, which are claimed to be false, are relevant and material to the respondent's clients cause of action for damages of the respondent's clients. If complainant thought that the assertions therein were false, then it was a matter of defense which he could set forth in his answer to the complaint. The veracity of said allegations can be ascertained at the trial of the case on the merits.

Moreover, it is well to note "xxx, that statements made in the course of judicial proceeding are absolutely privileged — that is, privileged regardless of the defamatory tenor and of the presence of malice — if the same are relevant, pertinent or material to the cause in hand or subject of the inquiry" (People v. Aquino, 18 SCRA 555, 558 [1966]). What is relevant or pertinent should be liberally considered to favor the writer, and the words should not be scrutinized with microscopic intensity (Smith Bell & Co. v. Ellis, 48 Phil. 475 [1925]; United States v. Bustos, 37 Phil. 731 [1918]).

We find nothing in the complaint that would constitute a violation by respondent of the lawyer's oath.

WHEREFORE, the administrative complaint against respondent is DISMISSED for lack of merit.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

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