

PEDRO DE GUZMAN, COMPLAINANT, VS. TOMAS B. TADEO, RESPONDENT.

Adm. Case No. 879. September 27, 1939

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/894b80eff1c6/>

LAUREL, J.:

This is an administrative case for malpractice filed with this court by the complainant Pedro de Guzman against Attorney Tomas B. Tadeo.

It appears that the complainant filed with this court his complaint under date of August 15, 1938, charging the respondent, Attorney Tomas B. Tadeo, with five counts: (1) representing conflicting interests relating to a civil case instituted by him in the justice of the peace court of Mangaldan, Pangasinan; (2) collecting subscriptions for membership of an association named "Landowners Association," which he failed to return to the contributors, notwithstanding the abandonment of the purposes for which the collections were made; (3) undue delay in prosecuting a land registration case; (4) failure to pay his debt to the Rural Agricultural Cooperative Credit Association of Mangaldan, Pangasinan; and (5) failure to render services for the collection of a certain claim, notwithstanding that advanced payment of his fees for such services had already been made.

By resolution of this court of September 19, 1938, the respondent attorney was required to answer the complaint within ten days from receipt thereof. Under date of October 1, 1938, the respondent submitted his answer denying under oath each and every material allegation and refuting each and every one of the charges. Under date of October 19, 1938, the complainant submitted his reply to the answer of the respondent.

By resolution of this court of October 25, 1938, the case was referred to the Solicitor-General for action under the appropriate rules. The Solicitor-General conducted the investigation of the charges preferred against the respondent and for this purpose availed of the services of the provincial fiscal of Pangasinan.

Under date of March 10, 1939, the Solicitor-General submitted his report wherein he finds charges Nos. 2, 4 and 5 preferred against the respondent to be unfounded, but finds charges Nos. 1 and 3 to be supported by sufficient evidence. For this reason, he filed with this court a formal complaint against the respondent, the pertinent part of which reads as follows:

I

"1. That in civil case No. 6274 of the Court of First Instance of Pangasinan (Asociacion Cooperativa de Credito Agricola de Mangaldan, Pangasinan vs. Guillermo Biaskan, administrator of the Estate of the late Felix Biagtan, et al.) wherein the plaintiff was represented by the co-respondent, a judgment was rendered on June 10, 1933, in favor of the plaintiff and against the defendants for the sum of P250 with interest at 10 per cent from October 21, 1927, plus attorney's fees and costs.

"2. That the respondent took no steps and made no effort to secure an execution of said judgment; but that, on the contrary on September 22, 1934, the respondent, in his capacity as notary public, drafted and ratified a deed

of sale of a piece of land belonging to the estate of the said Felix Biagtan, deceased, to the damage and prejudice of the judgment creditor, his client in said case, which deed was executed by the children and heirs of the deceased in favor of one Emeterio Valenzuela.

"3. That by reason of said act of the respondent, the aforesaid judgment remained unsatisfied until August 22, 1938, when it was paid by said Emeterio Valenzuela, said payment having been effected after the herein complainant had preferred the charges which gave rise to the instant administrative case.

II

"1. That sometime in the year 1931 the services of the respondent were engaged by Adriano Pasaoa and his son Juan Pasaoa for the filing and prosecution in the Court of First Instance of Pangasinan of an application for the registration of a parcel of land, for which the respondent was paid the corresponding retaining fee.

"2. That without lawful justification and due to respondent's sheer negligence, he filed the corresponding application after seven long years, or only on October 19, 1938, and after the complainant had preferred charges against him."

On March 14, 1939, this court ordered that the respondent be served with a copy of the complaint and was at the same time required to answer the same within 15 days from the receipt thereof. The respondent submitted his answer on March 31, 1939.

This court by its resolution promulgated on April 5, 1939, appointed the Honorable Alfonso Felix, judge of the Court of First Instance of Pangasinan, as commissioner to whom this case was referred for investigation, report and recommendation. The commissioner conducted the investigation and submitted his report under date of July 11, 1939, in which he recommends the exoneration of the respondent from the charges preferred against him.

The case was set for hearing and thereafter both parties were allowed to file their respective memoranda.

In the memorandum filed by the Solicitor-General in support of the complaint filed by him in behalf, of the complainant herein Pedro de Guzman, he contends that the commissioner erred:

"1. In finding that the respondent did not betray the confidence of his client when he intervened and rendered assistance as notary public in the sale of the property of the late Felix Biagtan to Emeterio Valenzuela, and that the interest of his client has not thereby been prejudiced; and

"2. In finding that the respondent committed no delay in the filing of the application for registration of land of Adriano Pasaoa and Juan Pasaoa."

We do not find it necessary to discuss in detail the evidence presented with reference to the two charges which are made the subject matter of the assignment of errors of the Solicitor-General, *supra*. The only proof which tends to show that the respondent betrayed the confidence bestowed on him by his client, the Agricultural Credit Association, was his intervention as notary public, in the execution of the deed by Juan and Lourdes, both surnamed Biagtan, in favor of Emeterio Valenzuela, conveying their interest in a parcel of land belonging to their parents, Felix Biagtan and Rufina Biaskan. We find, however, that the decision rendered by the Court of First Instance of Pangasinan in favor of the Agricultural Credit Association was not against the administrator of the estate of Felix Biagtan and that the said property conveyed by said heirs was neither attached nor encumbered to answer for the satisfaction of said judgment. And the records fail to show that any property of the estate of the late Felix Biagtan had been involved or affected to insure the execution or satisfaction of the judgment rendered by the Court of First Instance in said civil case No. 6274.

And with reference to the alleged delay in the presentation of the application for registration, we find that it was

caused by the defect of the plan and that the applicants were aware of that fact. There is no evidence that the respondent had purposely delayed the prosecution of the case to gain pecuniary interest and advantage.

The power to suspend or disbar ought to be exercised with great caution and only for the most weighty reasons. The two charges preferred against the respondent are not supported by convincing evidence, and it is the rule that disciplinary action against a member of the bar must be predicated upon proof of guilt that satisfies the court with reasonable certainty.

"The serious consequences of disbarment or suspension should follow only where there is a clear preponderance of evidence against the respondent. The presumption is that the attorney is innocent of the charges preferred and has performed his duty as an officer of the court in accordance with his oath. (Re Reily [1919] 7 A. L. R., 89.)" (In re Tionko, 43 Phil., 191, 194.)

The charges against the respondent, Attorney Tomas B. Tadeo, are hereby dismissed. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Concepcion, and Moran, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.