

MARCELINO O. PADILLA, COMPLAINANT, VS. ATTY. BERNARDINO GUERRERO, ATTY. MANUEL R. GUERRERO, ATTY. GIL R. VERGARA AND ATTY. TERESITA C. VERGARA, RESPONDENTS.

Adm. Case No. 946. March 29, 1972

Ponente: TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9ee978f6dcb2/>

TEEHANKEE, J.:

A complaint for disbarment pursuant to Rule 139 of the Rules of Court.

Upon the issues of fact having been joined with the filing of respondents' respective answers, the Court, on September 10, 1970, referred the case to the Solicitor General for investigation to determine the existence of sufficient factual grounds to proceed with the prosecution of respondents.

Based upon the evidence adduced at the hearings conducted by the Solicitor General, the latter has submitted his report dated August 30, 1971.

The Solicitor General summarizes in his report the case backgrounder and documentary evidence adduced by the parties, as follows:

"On May 15, 1970, Marcelino O. Padilla filed a complaint before this Honorable Court seeking to disbar Attys. Bernardino Guerrero, Manuel R. Guerrero, Gil R. Vergara and Teresita C. Vergara from the practice of law. Briefly, the charge against all four respondents consists of their having fraudulently conspired to deprive said complainant of the commission due him from that sale to Dr. Jesus Lim of certain real estate belonging to Francisco Zandueta, which was allegedly consummated through his intervention. The imputation against Attys. Gil R. Vergara and Teresita C. Vergara (husband and wife) is that they forcibly caused him to sign a blank piece of paper which they later on utilized to make it appear that he acknowledged receipt from them of the amount of P200.00 and waived further claims for commission, and later on introduced the document in evidence against him in Civil Case No. 183762 of the City Court of Manila, Branch II (pp. 1 to 2, Rec.).

"On the same day, May 15, 1970, the complainant wrote to the Clerk of this Honorable Court requesting that action on his complaint be withheld in the meantime because he could not 'produce all the necessary copies' of his exhibits (p. 3, Rec.).

"On July 17, 1970, the complainant filed a motion subscribed and sworn to before an Assistant City Fiscal of Manila, claiming that after sober and dispassionate reflection, he realized that he had no real and genuine grievance against the respondents; and that the complaint he had filed was the result of a misunderstanding and a misapprehension of certain facts. He prayed that the complaint be considered withdrawn (p. 4, Rec.)

"On July 20, 1970, the complainant sent a handwritten letter to the Clerk of this Honorable Court requesting that the motion to dismiss previously filed by him be disregarded because it was not he, but Atty. Manuel Guerrero, who prepared it and that he was merely prevailed upon to sign it believing that the complaint against Attys. Gil Vergara and Teresita Vergara was not being withdrawn (p. 5, Rec.).

"On July 22, 1970, this Honorable Court entered a resolution requiring the respondents to file an answer to the

complaint (p. 6, Rec.).

"On August 21, 1970, Attys. Gil R. Vergara and Teresita C. Vergara filed an answer to the complaint denying the charges against them and claiming that the herein complaint contains similar charges filed against them by the complainant in the Office of the City Fiscal of Manila which were dismissed for lack of merit; that the complainant has a propensity for filing charges against them as shown by the five cases instituted by him in the City Court and Office of the City Fiscal of Manila, the Bureau of Commerce, and in this Honorable Court; and that it is unbelievable that the complainant, who claims to be a law graduate, could have been forced to sign a blank piece of paper (pp. 14-15, Rec.).

"On September 7 and 9, 1970, Atty. Bernardino Guerrero and Manuel R. Guerrero filed separate answers to the complaint denying the material averments thereof and praying that it be dismissed (pp. 21-28; 44-48, Rec.).

"On September 10, 1970, this Honorable Court referred the case to the Solicitor General for investigation, report and recommendation (p. 64, Rec.).

"In the course of the hearing, the complainant, manifested to the hearing Solicitor that he was willing to have the case against Attys. Bernardino Guerrero and Manuel Guerrero dismissed and in a letter written in his own hand and subscribed and sworn to before the same Solicitor, stated that he has finally decided to exclude Atty. Bernardino Guerrero and Atty. Manuel Guerrero in the complaint on condition that they may (sic) not testify in favor of the two other defendants, Atty. Teresita C. Vergara and Atty. Gil R. Vergara' (pp. 6, 7, 9, 10, 60, t.s.n., October 29, 1970; Exh. 'C').

"Hence, the complainant adduced evidence only in support of the charge against Attys. Teresita C. Vergara and Gil R. Vergara, consisting of his oral testimony and the following documents, to wit:

Exhibit A – Certificate signed by Francisco Zanduetta authorizing the complainant to sell his property located at Legarda Street, Manila;

Exhibit B – Affidavit of Francisco Zanduetta dated July 29, 1970, filed in Civil Case No. 183762 of the City Court of Manila;

Exhibit C – Handwritten letter of the complainant addressed to Solicitor Pedro Ramirez withdrawing the complaint against Attys. Bernardino Guerrero and Manuel Guerrero;

Exhibit D – Decision rendered by the City Court of Manila Branch II, in Civil Case No. 183762;

Exhibit E – Notice of order issued by the City Court of Manila in Civil Case No. 183762;

Exhibit F – 'Motion for consideration in connection with the sale' filed by the complainant in the Court of First Instance of Manila, Branch XXI, Sp. Proc. No. 62806;

Exhibit G – Petition filed by the complainant in Civil Case No. 183762 of the City Court of Manila;

Exhibit H – Certificate as a real estate broker issued by the Assistant Director of Commerce to the complainant; and

Exhibit I – Motion for clarification about agency filed by the complainant in Sp. Proc. No. 62806.

"Respondents Gil R. Vergara and Teresita C. Vergara in turn submitted evidence consisting of the following documents, to wit:

Exhibit 1 – Letter dated August 1969, of the complain-ant to Dr. Lim;

Exhibit 2 – Amended complaint filed by the complain-ant in Civil Case No. 183762;

Exhibit 3 – Answer to amended complaint with compulsory counterclaim filed by Francisco Zanduetta in Civil Case No. 183762;

Exhibit 4 – Counteraffidavit executed by the complainant on October 8, 1970;

Exhibit 5 – Pre-Trial brief of the complainant in Civil Case No. 81070, Court of First Instance of Manila, Branch XIII, and

Exhibit 6 – Order issued by the Court of First Instance of Manila, Branch XIII, Civil Case No. 81070, denying the complainant's motion to declare in default the defendant Jesus Lirn and for judgment on the pleadings.

"The respondents Attys. Bernardino Guerrero and Manuel R. Guerrero opted not to adduce any evidence in their behalf."

1. As to the common charge against all four co-respondents of having fraudulently conspired to deprive him of the commission allegedly due him, the Court's review of the record leads it to sustain the Solicitor General's report that "no single piece of evidence was adduced at all by the complainant to support this particular charge. As a matter of fact, he even withdrew the charges against Atty. Bernardino Guerrero and Manuel R. Guerrero" and recommendation that "(I)n view thereof, the charge has not been properly substantiated and should, therefore, be dismissed."

2. Complainant in his second charge against respondents Vergara spouses, claimed that the Vergaras "forcibly told plaintiff to sign a receipt which was blank and gave plaintiff the amount of P200.00,"[1] which blank paper with his signature they allegedly subsequently utilized to make it appear thru insertions thereon that complainant had acknowledged receipt of the said amount of P200.00 and had waived further claims of commission against them and thereafter introduced in evidence against him in Civil Case No. 183762 of Branch II of the city court of Manila.[2]

The Court agrees with the Solicitor General's report that "(U)pon the evidence adduced by the complainant, we do not find that he was at all forced by the Vergaras into signing the supposed sheet of paper which had not even been presented in evidence. And if he did sign one, it must have been with full knowledge and awareness that what he was signing was a receipt for P200.00 and a quitclaim, as the said complainant admitted having taken hold of the said amount even before any writing on the alleged blank receipt could have been placed thereon (p. 25, t.s.n., October 29, 1970). Indeed, it is hard to believe that a man of the complainant's intelligence, education (he finished third year in law) and experience as a real estate broker since four years ago (pp. 2,54, 55, t.s.n., Oct. 29, 1970), would sign a blank sheet of paper, considering that at the time he allegedly did so, he must have been already placed on guard against possible defraudation, having been informed by Zanduetta that he had paid the commission of P10,800.00 to the Vergaras from whom he should claim the share due him (pp. 23, 24, 25, t.s.n., Oct. 29, 1970). The fact of complainant being entitled to more than what he actually received from the Vergaras is a matter which should be properly ventilated in the case (Civil Case No. 81070) pending before the Court of First Instance of Manila, Branch XIII.

"Upon the foregoing, the charge against the Vergaras has not been properly substantiated."[3]

The Court has uniformly held "that in disbarment proceedings, the burden of proof rests upon the complainant. To be made the basis for suspension or disbarment of a lawyer, the charge against him must be established by convincing proof. The record must disclose as free from doubt a case which compels the exercise by this Court of its disciplinary powers. The dubious character of the act done as well as of the motivation thereof must be clearly demonstrated."[4]

Complainant has clearly failed to discharge herein the burden of establishing by convincing proof the grave

charge of coercion and falsification against respondents Vergara spouses, not even having presented in evidence the supposed sheet of paper he was allegedly forced to sign in blank and which said respondents allegedly falsified afterwards. The Court therefore approves the Solicitor General's recommendation of exoneration of the Vergara spouses.

3. Attys. Bernardino Guerrero and Manuel R. Guerrero in their respective answers to the complaint, have charged complainant with having committed the crime of perjury in having alleged in paragraph 2 (d) of his sworn complaint that "ATTY. BERNARDINO GUERRERO & ATTY. MANUEL R. GUERRERO who are both defense counsels for Francisco Zandueta who is the owner and administrator of the property sold have mislead (sic) and guided their client to testify lies in their answer to the civil complaint filed by the plaintiff."

Atty. Bernardino Guerrero has asserted in his sworn answer "that there was no hearing as to the defendant Francisco Zandueta because the complainant, plaintiff in said civil case, moved for the dismissal of said case insofar as defendant Francisco Zandueta was concerned (Annex 'A')." [5] Atty. Bernardino Guerrero has further cited his unsoiled record as a practicing attorney since he passed the bar examinations on October 18, 1919 [6] and his having been appointed by the Court as bar examiner in 1941 and in 1946.

Atty. Bernardino Guerrero has further assailed complainant's reckless disregard for the sacredness of his oath and wantonly including him as a respondent. There seems to be prima facie validity to this counter-charge, for as already noted above, at the investigation conducted by the Solicitor General (upon the Court's referral to determine the truth between the conflicting sworn factual allegations of the complainant and respondents) complainant presented no evidence against the Guerreros and withdrew in writing and under oath his complaint against them on the first day of the investigation on October 29, 1970. [7]

In taking note of these matters and of said respondents' plea that the Court "refer this matter to the Secretary of Justice for an investigation in order to determine whatever criminal offense the said complainant Marcelino O. Padilla had committed in this case," [8] the Court states that the same may not properly be dealt with in this administrative proceeding but that the Guerreros may pursue any remedies that they may have against complainant, criminal, civil and administrative, as the facts may warrant, in the appropriate proceedings.

ACCORDINGLY , the present complaint for disbarment against the four respondents is hereby dismissed, without prejudice to such appropriate proceedings that respondents Bernardino Guerrero and Manuel R. Guerrero may wish to institute against complainant, as indicated in the preceding paragraph.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, Fernando, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Complaint, par. 2 (c)

[2] The case is entitled "Marcelino O. Padilla, plaintiff vs. Francisco Zandueta, Jesus F. Lim, Teresita C. Vergara and Gil R. Vergara, defendants" for "Frauded commission" (sic) as per amended complaint dated Oct. 1, 1969, Exh. "2".

[3] Italics furnished

[4] Go s. Candoy, 21 SCRA 439, 442, (1967) per Castro, J.

[5] Annex A of Atty. Guerrero's answer is the motion to dismiss filed by complainant as plaintiff in Civil Case No. 183762 of the Manila city court praying for dismissal of the case "with prejudice and without pronouncement as to costs, only with respect to defendant Francisco Zandueta."

[6] Despite his Advanced age of 85 years at the lime he filed his answer on September 7, 1970.

[7] Exhibit C, *supra*, at p. 3.

[8] Atty. Bernardino Guerrero's answer, pp. 7-8.

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.