

VICTORIANO P. RESURRECCION, COMPLAINANT, VS. ATTY. CIRIACO C. SAYSON, RESPONDENT.*A.C. No. 1037. December 14, 1998*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-1037/>**PER CURIAM:**

To say that lawyers must at all times uphold and respect the law is to state the obvious, but such statement can never be overemphasized. Considering that, "of all classes and professions, [lawyers are] most sacredly bound to uphold the law,"[1] it is imperative that they live by the law. Accordingly, lawyers who violate their oath and engage in deceitful conduct have no place in the legal profession.

In a Complaint-Affidavit, Victoriano P. Resurreccion charged Respondent Atty. Ciriaco C. Sayson with acts constituting "malpractice, deceit and gross misconduct in his office and a violation of his duties and oath as a lawyer." The Complaint arose from a homicide through reckless imprudence case, in which Complainant Resurreccion was the defendant and Respondent Sayson was the counsel for the offended party, Mr. Armando Basto Sr. The complainant alleged that, pursuant to the amicable settlement previously reached by the parties, he gave P2,500 to the respondent who, however, never gave the money to his client. Thus, the complainant was compelled to give another P2,500 to Mr. Basto as settlement of the case. The complainant then demanded the return of the money from respondent, to no avail. Thus, the Complaint for Disbarment.

The records show that the Office of the Solicitor General (OSG) conducted several hearings on the matter; during which the complainant was represented by Atty. Ronaldo Lopez. Although respondent had been notified, he failed to attend a number of such hearings. He eventually appeared through his new counsel, Atty. Wenceslao Fajardo. Because respondent once again failed to attend the next hearing, the OSG, in its September 4, 1973 Order,[2] deemed the investigation of the case terminated. But upon the motion of the respondent, the OSG on October 31, 1973, set aside its earlier Order and once again set the case for a hearing of the former's evidence. Since then, however, it appears that the OSG has not been able to submit its report and recommendation on the case.

In 1990, the Integrated Bar of the Philippines (IBP) took cognizance of the case[3] and tasked Commissioner Jesulito A. Manalo with the investigation, of which both the complainant and the respondent were duly notified. Complainant Resurreccion manifested his assent to the pursuit of the matter, but Respondent Sayson could not be found.[4] In his Report, Commissioner Manalo presented the following facts:

"Respondent, a member of the Philippine Bar was accused of having converted and appropriated [for] his own personal benefit the amount of P2,500.00 representing the amount which was delivered by the complainant to the respondent as compensation or settlement money of a case for homicide thru reckless imprudence.

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"Complainant alleged that on 13 May 1970, he was involved in a vehicular accident which occurred at Epifanio delos Santos Avenue, Quezon City which involved a boy [named] the name of Armando Basto resulting [in] the death of the latter. By reason of the said incident, complainant was accused of homicide thru reckless imprudence before the City Fiscal's Office at Quezon City. In the preliminary investigation, the father

of the victim Mr. Armando Basto, Sr., was represented by respondent. Complainant was however, represented by Atty. Ramon Umali. The case for homicide thru reckless imprudence was amicably settled on 8 August 1970 and respondent received from the complainant the amount of P2,500.00. Respondent allegedly assured complainant that the sum [would] be delivered to his client Mr. Armando Basto, Sr. Respondent acknowledged in writing having received the amount of P2,500.00.

"Contrary however, to the assurances of the respondent, he had not delivered the said amount of P2,500.00 and the case was not dismissed for which reason complainant was compelled to pay anew the heirs of the victim the amount of P2,500.00. Demands were made for the respondent to return the said amount of P2,500.00 but the latter failed. By reason thereof, complainant filed a complaint for estafa against the respondent before the City Court of Quezon City which was docketed as Criminal Case No. III-149358 entitled 'People of the Philippines vs. Ciriaco C. Sayson'.

"In the hearing held on 22 May 1973, complainant Victoriano P. Resurreccion appeared assisted by his counsel. There was however, no appearance for the respondent Ciriaco C. Sayson. The investigator declared his failure to appear as a waiver of his presence and Mr. Armando Basto, Sr. was presented as witness. He testified that he [was] the father of Armando Basto, Jr. who was ran over by a motor vehicle then driven by the respondent. By reason of such death a case was filed in court and he was represented by Atty. Ciriaco Sayson, respondent in this case. A settlement arrangement was arrived at and complainant entrusted the amount of P2,500.00 to the respondent for the latter to turn over the same to his client. Atty. Ciriaco Sayson, however, failed to turn over the said amount of P2,500.00 to his client for which reason the case was not immediately dismissed. To effect dismissal of the case, complainant was forced to pay anew the sum of P2,500.00.

"Complainant was next presented as witness and he testified that on 30 May 1970, he was involved in a vehicular accident which resulted in the death of one Armando Basto, Jr. By reason thereof, he was accused of homicide thru reckless imprudence[,] and to effect settlement of that case he agreed to pay the amount of P2,500.00.

"On 8 August 1970, complainant together with his counsel conferred with [the] respondent in the latter's office at May Building, Rizal Avenue, Manila and in a conference, a settlement was arrived at whereby complainant [would] pay the amount of P2,500.00. This was done and payment was delivered to the respondent who acknowledged having received the said amount.

"Subsequently, complainant learned that the said amount of P2,500.00 was not delivered by respondent to Mr. Armando Basto, Sr., the father of the victim for which reason he was compelled to pay another amount of P2,500.00 to the heirs of the victim.

"Thereafter, he demanded [the] return of the said amount of P2,500.00 from the respondent. Despite visiting the latter fifteen or sixteen times, Atty. Ciriaco C. Sayson still failed to return the money. Thus, complainant filed a complaint for estafa which was elevated in Court and docketed as Criminal Case No. 49358.

"A Decision finding the respondent guilty of [the] crime of estafa was promulgated by the City Court of Quezon City."[5]

Commissioner Manalo then rendered his evaluation and recommendation in this wise:

"Complainant was able to establish by more than convincing evidence that the misappropriation was in fact committed by the respondent. This fact [is] eloquently proven by Exhibits "A" to "E", all of which were not controverted by the respondent.

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"In view of the foregoing, undersigned Commissioner respectfully recommends that the above-entitled case be endorsed by the Honorable Board Governors to the Supreme Court with the recommendation that the

complain[ant be] disbarred and his name be stricken off xxx the roll of attorneys.

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On February 28, 1998, the IBP Board of Governors issued a Resolution adopting and approving the report and recommendation of Commissioner Manalo. The Resolution, signed by IBP National Secretary Roland B. Inting and forwarded to this Court on March 28, 1998, is worded as follows:

"RESOLUTION NO. XIII-97-202

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Atty. Ciriaco C. Sayson

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED AND APPROVED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution/Decision as Annex "A" and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, respondent Atty. Ciriaco C. Sayson is DISBARRED and xxx his name xxx stricken from the Roll of Attorneys for having been found guilty of Estafa promulgated by the City Court of Quezon City and [which] complainant was able to establish by more convincing evidences that misappropriation was in fact committed by the respondent, all of which were not controverted by the respondent."[7]

The Court agrees with Commissioner Manalo's findings and conclusion, as approved and adopted by the IBP Board of Governors. Atty. Ciriaco C. Sayson must be disbarred.

Respondent Sayson was convicted of estafa by the Regional Trial Court of Quezon City on September 20, 1973.[8] Such conviction was affirmed by the Court of Appeals[9] and upheld by this Court.[10]

In *In re Vinzon*, [11] the Court disbarred a lawyer who had been convicted of estafa and held that "moral turpitude includes everything which is done contrary to justice, honesty or good morals. In essence and in all respects, estafa, no doubt, is a crime involving moral turpitude because the act is unquestionably against justice, honesty and good morals."

In a more recent case, [12] the Court upheld the recommendation of the IBP Board of Governors to disbar a lawyer who had been convicted of estafa through falsification of public documents, because she was "totally unfit to be a member of the legal profession." In adopting the recommendation, we held that "good moral character is not only a condition precedent to admission to the legal profession, but it must also remain extant in order to maintain one's good standing in that exclusive and honored fraternity."

True, the power to disbar must be exercised with great caution and only in a clear case of misconduct that seriously affects the standing and character of the lawyer as an officer of the Court and member of the bar.[13] Disbarment should never be decreed where any lesser penalty, such as temporary suspension, would accomplish the end desired.[14] However, in the present case, the Court notes that even if respondent's culpability for estafa has been indubitably established, there is no indication that he has served sentence, returned to complainant what was due him or showed any remorse for what he did. The 27-year delay in the resolution of this case was, to a large extent, caused by his failure to appear before the Office of the Solicitor General and to inform the IBP of his change of address, a failure that also indicated his lack of regard for the very serious charges brought against him. Respondent Sayson, by his conduct, has shown that he is not worthy to remain a member of the bar.

Law is a noble profession, and the privilege to practice it is bestowed only upon individuals who are competent intellectually, academically and, equally important, morally. Because they are vanguards of the law and the legal system, lawyers must at all times conduct themselves, especially in their dealings with their clients and the public

at large, with honesty and integrity in a manner beyond reproach.

WHEREFORE, Respondent Ciriaco C. Sayson is hereby DISBARRED. The Clerk of Court is directed to strike out his name from the Roll of Attorneys.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, Purisima, and Pardo, JJ., concur.

[1] Ex parte Wall, 107 U.S. 265; cited in Malcolm, Legal and Judicial Ethics, p. 214.

[2] Issued by the investigating officer, Solicitor Norberto P. Eduardo.

[3] Largely due to Complainant Resurreccion's steadfast determination to pursue the case. He had written letters bemoaning the delay in the resolution of the disbarment case and had submitted documents which he thought were necessary for the proper disposition of the case, which were either lost or misplaced at the Office of the Solicitor General.

[4] All letters to Sayson were returned to the IBP.

[5] Rollo, Vol. I, pp. 36-38.

[6] Ibid., p. 39.

[7] Rollo, vol. I, p. 35.

[8] The decretal part of the trial court's Decision, penned by Judge Pacifico I. Punzalan, reads as follows:

"WHEREFORE, the court finds the accused Atty. Ciriaco C. Sayson GUILTY beyond reasonable doubt of the crime of estafa as charged in the information, defined and penalized under Article 315, sub-division three, sub. par. 1-b of the Revised Penal Code, and hereby imposes upon him as penalty, to suffer an indeterminate imprisonment of four (4) months of arresto mayor as minimum, to one (1) year and eight (8) months of prision correccional as maximum, to indemnify the offended party Victoriano Resurreccion in the sum of P2,500.00 without subsidiary imprisonment in case of insolvency, together with all the accessory penalties of law, and to pay the costs." (CA Decision, p. 1).

[9] In *People of the Philippines v. Atty. Ciriaco C. Sayson*, CA-GR No. 15299-CR, the Court of Appeals (First Division, composed of Justice Roseller T. Lim, ponente; and Justices Magno S. Gatmaitan and Sixto A. Domondon, concurring) disposed of the case as follows:

"The failure, therefore, of appellant to produce the money when confronted at the Fiscal's Office, or even when the present action was filed, is a clear indication of converting or misappropriating for his own use and benefit the money he received for his client. We agree with the conclusion of the lower court as follows:

'From the facts of the above-entitled case, brought out during the trial by clear, satisfactory and convincing evidence, this court is of the view that when the accused received the amount of P2,500.00 in Manila from the offended party REsurreccion, pursuant to the agreement reached by parties in Quezon City, accused imposed upon himself the obligation and duty to deliver the said amount to his client Basto, Sr. in Quezon City, and should he fail to do so, to return the said amount to Resurreccion, as borne out [by] the testimonies of Resurreccion and Atty. Umali. The failure of the accused to deliver the amount of P2,500.00 to Basto and the subsequent failure of the accused to return the said amount to Resurreccion, coupled with his failure to give any reason for such failure despite demands, clearly show misappropriation or conversion, or at least part thereof, as an essential ingredient

of the offense of the estafa, occurred in Quezon City. The fact that Resurreccion was constrained to pay Basto again the amount of P2,500.00 in order that the case against him would be dropped, as it was indeed dropped, sufficiently prove[s] prejudice and damage on the part of the complainant Resurreccion.'

"IN VIEW OF THE FOREGOING, the judgment appealed from is hereby AFFIRMED, with costs against appellant." (CA Decision, pp. 9-10).

[10] Rollo, vol. I, p. 15. The Court's March 18, 1977 Resolution is worded thus:

"L-43834 (Atty. Ciriaco Sayson vs. Court of Appeals, eat. al.). Considering the grounds of petitioner's motion for reconsideration of the resolution of August 20, 1976 which denied the petition for review on certiorari of the decision of the Court of Appeals as well as the Solicitor General's comment thereon, the Court Resolved to DENY the motion for lack of merit and this denial is FINAL. The Court of Appeals is directed to remand the records of this case to the trial court for prompt execution of judgment to the trial court and to submit to this Court proof of such remand, both within five (5) days from notice hereof."

[11] 19 SCRA 815, April 27, 1967. See also *Medina v. Bautista*, 12 SCRA 1, September 26, 1964, and *In Re: Abesamis*, 102 Phil. 1182, January 17, 1958.

[12] *Villanueva v. Sta. Ana*, 245 SCRA 707, July 11, 1995.

[13] *Tapucar v. Tapucar*, Adm. Case No. 4148, July 30, 1998.

[14] For example, in *Castillo v. Taguines*, 254 SCRA 554, March 11, 1996, the respondent, who was accused of estafa by his client, was suspended for one year from the practice of law. Likewise, in *Igual v. Javier* (254 SCRA 416, March 7, 1996), suspended from the practice of law for one year was the respondent, who was accused of having unlawfully withheld and misappropriated complainant's money in the amount of P7,000.00, allegedly paid as acceptance fee for a matter on which respondent never performed any work.

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