

JUAN AZOR, COMPLAINANT, VS. ATTORNEY EUSTAQUIO BELTRAN, RESPONDENT.*A.C. No. 1054. March 25, 1975*

Ponente: FERNANDO, J.

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If there were truth to the acts imputed to respondent Eustaquio Beltran, a member of the Philippine bar, he would indeed be liable for malpractice and gross misconduct. He was accused of taking or causing to be detached from the rollo of Special Proceedings No. 667 of the Court of First Instance of Camarines Sur, the financial report of complainant Juan Azor as executor, as well as the order of the court terminating the same; of thereafter filing a motion to require complainant to render an accounting and to deliver the property left in the will to the beneficiaries; and of having instructed his client Lorelie Bornales and the latter's mother, Aniana Sadol-Escriba to enter forcibly a parcel of land forming a part of the estate when he knew of its having been previously sold, thus necessitating a complaint for forcible entry. The answer with supporting documents of respondent did present an entirely different picture. What motivated complainant to file this administrative case became apparent as respondent represented clients with opposing interest. With the allegations of facts in the complaint thus being controverted, the matter was referred to the Solicitor General for investigation, report and recommendation.

Complainant and respondent with their witnesses were duly heard. On October 11, 1974, the report and recommendation came from Solicitor General Estelito P. Mendoza and Assistant Solicitor General Alicia V. Sempio-Diy.[1] The recommendation is for the dismissal of the charges.

Such a recommendation is based on a thorough analysis of the evidence presented. As to the first count: "The records are entirely bereft of any direct, positive and competent evidence to support the charge that respondent detached and removed official records from the Office of the Clerk of Court of Camarines Sur, particularly the financial report in, and the order of closure of, Special Proceeding No. 667. If at all, complainant appears to have merely assumed that because, when he was allegedly shown by the clerk of court the records of said case, the same purportedly contained at the time only the probated will and respondent's motion for an accounting therein * * * then respondent must have spirited away the financial report filed therein by complainant and the order of the court for the closure of said proceedings. On the other hand, respondent did not only vigorously deny the imputation that he took said records from the expediente of the case, * * * but he also submitted in evidence a certification of the branch clerk of the Court of First Instance of Camarines Sur attesting to the fact that the records of the aforesaid probate proceedings, including the allegedly missing financial report and order, are all intact and unaltered * * *. Needless to state, mere assumptions cannot be the basis of any finding against any member of the bar who, as an official of the court, is presumed to act with the utmost decorum and good faith in all his dealings. This presumption in favor of the respondent in the probate proceedings in question can not be overcome by complainant's aforesaid mere assumption or imputation without any evidence in support of the same." [2] As to the accusation that notwithstanding that respondent filed a motion for accounting on July 5, 1971 despite his previous knowledge that the complainant as executor had already filed his financial report and that in

fact the probate proceedings had been closed and terminated, the report characterized it as "unfounded and baseless." It explained why: "Complainant further insists in his memorandum that if respondent had really examined the expediente of the probate proceedings, then he could not have failed to see therein his (complainant's) financial report filed on July 8, 1958 * * * and the order of the court decreeing the closure and termination of the case * * *. This contention conveniently ignores the explanation given by respondent that when he examined the records of said case on July 5, 1971, he found on the last page thereof the financial report of complainant of May 11, 1959, * * * together with the latter's motion for the consideration and approval thereof, but that as said motion appeared not to have been resolved by the court, he then got the impression that the probate proceedings had not yet been finally terminated; hence, his motion for accounting of July 5, 1971 * * *. That such explanation is reasonable and believable is shown by the fact that even the probate court thereafter ordered complainant to render the accounting prayed for * * * showing that even the probate court had apparently found complainant's financial report * * * on the last page of the record of the case still unacted upon, which situation likewise led it to believe that the case had not yet been terminated. Of course, had respondent made a more diligent and exhaustive examination of the records of said probate proceedings, he would have found somewhere therein complainant's financial report of July 8, 1958 and the court's order of closure of January 5, 1959, and he would not have filed his motion for accounting in question. Be this as it may, however, we fail to discern in respondent's filing of his aforesaid motion for accounting any deliberate attempt or intention on his part to mislead the probate court in said case, or to cause complainant discredit or put him in disrepute so as to justify disciplinary action against him in this case." [3] There was no justification either for the allegation that respondent induced his clients, Lorelie Bornales and the latter's mother Aniana Sadol-Escriba, to enter forcibly one of the parcels of land subject of Special Proceeding No. 667, so the report concluded. Thus: "In this case, respondent has clearly shown that his legal services were sought by one of the Bornales sisters for the first time only on July 5, 1971, or after the supposed forcible entry by Escriba and the Bornales sisters on July 1, 1971 into the land in question * * *. In the absence of any factual basis, the particular charge in question must likewise fail." [4]

The Court accepts such recommendation. The investigation appeared to be thorough and the appraisal of the evidence both meticulous and correct. Respondent should be absolved of the charges hurled against him. Complainant ought to have displayed a greater sense of responsibility. He should have refrained from imposing on this Court or the Office of the Solicitor General a needless burden and inconvenience. Apparently what motivated him in filing his complaint was the zeal with which respondent fought for the interests of his client. Complainant should be aware that this Court does not look with favor upon accusations arising from dissatisfaction and resentment at the mode in which a lawyer diligently and tenaciously prosecutes matters entrusted to him. Instead of being condemned under the circumstances, he should be commended. Nor is this all. There are intimations in the record that the ill-will of complainant was aroused by respondent coming into possession of information that did cause a reflection on the discharge of his trust as executor. Incensed, he would utilize what appeared to be a dominant economic position in the community to make things difficult for respondent. Such an actuation, meriting disapproval then, is even more reprehensible now under the temper of the present dispensation that seeks to do away with every vestige of malodorous practices indulged in by the rich and the powerful in the community.

Fairness to both complainant and respondent compels the observation that the latter, as a member of the bar, is called upon to be much more careful and meticulous in examining the records of a case and noting every pleading, even if as has happened in not a few cases, the papers are not kept in as orderly a manner as is both proper and desirable.

WHEREFORE, the complaint for malpractice and gross misconduct against respondent Eustaquio Beltran is dismissed. Let a copy of this resolution be entered on his record.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] Solicitor Amado D. Aquino also signed the Report.

[2] Report and Recommendation, 12-13.

[3] Ibid, 16-17.

[4] Ibid, 19-20. It did turn out that during the hearing of the case, complainant likewise imputed to respondent the act of having deliberately delayed the termination of the forcible entry case by repeated postponements. Again that such a charge had no foundation was shown, according to the report "by the certification of the clerk of the municipal court of Bombon that respondent had requested only three postponements in behalf of the defendants therein as against eleven requests made by the plaintiffs * * *." At 20.

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