

JOSE MISAMIN, COMPLAINANT, VS. ATTORNEY MIGUEL A. SAN JUAN, RESPONDENT.*A.C. No. 1418. August 31, 1976*

Ponente: FERNANDO, Acting C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-1418/>

FERNANDO, Acting C.J.:

It certainly fails to reflect credit on a captain in the Metro Manila police force and a member of the bar, respondent Miguel A. San Juan, to be charged with being the legal representative of certain establishments allegedly owned by Filipinos of Chinese descent and, what is worse, with coercing an employee, complainant Jose Misamin, to agree to drop the charges filed by him against his employer Tan Hua, owner of New Cesar's Bakery, for the violation of the Minimum Wage Law. There was a denial on the part of respondent. The matter was referred to the Office of the Solicitor-General for investigation, report and recommendation. Thereafter, it would seem there was a change of heart on the part of complainant. That could very well be the explanation for the non-appearance of the lawyer employed by him at the scheduled hearings. The efforts of the Solicitor-General to get at the bottom of things were thus set at naught. Under the circumstances, the outcome of such referral was to be expected. For the law is rather exacting in its requirement that there be competent and adequate proof to make out a case for malpractice. Necessarily, the recommendation was one of the complaints being dismissed. This is one of those instances then where this Court is left with hardly any choice. Respondent cannot be found guilty of malpractice.

Respondent, as noted in the Report of the Solicitor-General, "admits having appeared as counsel for the New Cesar's Bakery in the proceeding before the NLRC while he held office as captain in the Manila Metropolitan Police. However, he contends that the law did not prohibit him from such isolated exercise of his profession. He contends that his appearance as counsel, while holding a government position, is not among the grounds provided by the Rules of Court for the suspension or removal of attorneys. The respondent also denies having conspired with the complainant Misamin's attorney in the NLRC proceeding in order to trick the complainant into signing an admission that he had been paid his separation pay. Likewise, the respondent denies giving illegal protection to members of the Chinese community in Sta. Cruz, Manila." [1]

Then came a detailed account in such Report of the proceedings: "Pursuant to the resolution of this Honorable Court of March 21, 1975, the Solicitor General's Office set the case for investigation on July 2 and 3, 1975. The counsel for the complainant failed to appear, and the investigation was reset to August 15, 1975. At the latter date, the same counsel for complainant was absent. In both instances, the said counsel did not file written motion for postponement but merely sent the complainant to explain the reason for his absence. When the case was again called for hearing on October 16, 1975, counsel for complainant failed once more to appear. The complainant who was present explained that his lawyer was busy 'preparing an affidavit in the Court of First Instance of Manila.' When asked if he was willing to proceed with the hearing in the absence of his counsel, the complainant declared, apparently without any prodding, that he wished his complaint withdrawn. He explained that he brought the present action in an outburst of anger believing that the respondent San Juan took active part in the unjust

dismissal of his complaint with the NLRC. The complainant added that after reexamining his case, he believed the respondent to be without fault and a truly good person."^[2]

The Report of the Solicitor-General did not take into account respondent's practice of his profession notwithstanding his being a police official, as "this is not embraced in Section 27, Rule 138 of the Revised Rules of Court which provides the grounds for the suspension or removal of an attorney. The respondent's appearance at the labor proceeding notwithstanding that he was an incumbent police officer of the City of Manila may appropriately be referred to the National Police Commission and the Civil Service Commission. As a matter of fact, separate complaints on this ground have been filed and are under investigation by the Office of the Mayor of Manila and the National Police Commission."^[3] As for the charges that respondent conspired with complainant's counsel to mislead complainant to admitting having received his separation pay and for giving illegal protection to aliens, it is understandable why the Report of the Solicitor-General recommended that they be dismissed for lack of evidence. The conclusion arrived at by the Solicitor-General that the complaint cannot prosper is in accordance with the settled law. As far back as in *re Tionko*,^[4] decided in 1922, the authoritative doctrine was set forth by Justice Malcolm in this wise: "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."^[5] The *Tionko* doctrine has been subsequently adhered to.^[6]

This resolution does not in any wise take into consideration whatever violations there might have been of the Civil Service Law in view of respondent practicing his profession while holding his position of Captain in the Metro Manila police force. That is a matter to be decided in the administrative proceeding as noted in the recommendation of the Solicitor-General. Nonetheless, while the charges have to be dismissed, still it would not be inappropriate for respondent member of the bar to avoid all appearances of impropriety. Certainly, the fact that the suspicion could be entertained that far from living true to the concept of a public office being a public trust, he did make use, not so much of whatever legal knowledge he possessed, but the influence that laymen could assume was inherent in the office held not only to frustrate the beneficent statutory scheme that labor be justly compensated but also to be at the beck and call of what the complainant called alien interest, is a matter that should not pass unnoticed. Respondent, in his future actuations as a member of the bar, should refrain from laying himself open to such doubts and misgivings as to his fitness not only for the position occupied by him but also for membership in the bar. He is not worthy of membership in an honorable profession who does not even take care that his honor remains unsullied.

WHEREFORE, this administrative complaint against respondent Miguel A. San Juan is dismissed for not having been duly proved. Let a copy of this resolution be spread on his record.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] Report and Recommendation, 2.

[2] *Ibid*, 2-3.

[3] *Ibid*, 4.

[4] 43 Phil. 191.

[5] *Ibid*, 194.

[6] Cf. *Javier v. Cornejo*, 63 Phil. 293 (1936); *De Guzman v. Tadeo*, 68 Phil. 554 (1939); *In re Attorney C. T.*

Oliva, 103 Phil. 312 (1958); Blanza v. Arcangel, Adm. Case No. 492, Sept. 5, 1967, 21 SCRA 1; Magno v. Gellada, Adm. Case No. 767, Dec. 20, 1971, 42 SCRA 549.

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.