

SISENANDO A. SANTOS, COMPLAINANT, VS. GIL P. DE GUZMAN, RESPONDENT.

A.C. No. 1527. June 19, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

Sisenando A. Santos, a missionary assistant of the Christian Reformed Mission of the Philippines, in a complaint dated August 8, 1975, charged lawyer Gil P. de Guzman with having filed in November, 1973 an unwarranted ejectment suit in the municipal court of Bongabon, Nueva Ecija, against Calixto Reguyal, the illiterate father-in-law of the complainant. Respondent De Guzman filed that case in behalf of his sister, Leonilade Guzman (Civil Case No. 1276).

In that litigation, judgment by default was rendered against Reguyal. He was ordered to vacate the lot occupied by him. The judgment became final. A writ of execution was issued and Leonilade de Guzman was placed in possession of the lot. However, Reguyal's house has not yet been removed from the lot.

Respondent in his answer explained how the ejectment case came to be filed against Reguyal. He alleged that he did not commit any irregularity in filing the case.

While this disbarment case was under investigation by the Solicitor General's Office, complainant Santos filed an affidavit of desistance wherein he admitted that he committed a mistake in filing the complaint for disbarment and that the error could be attributed to "lack of communication." Complainant's lawyer filed a motion for the dismissal of the case and for the exoneration of the respondent.

Notwithstanding that motion, Solicitor Cecilio F. Balagot heard the side of the respondent. De Guzman presented documentary evidence and his own testimony to prove that the ejectment suit was justified and that he did not perpetrate any oppressive act against Reguyal.

Several months later, Santos appeared in the Solicitor General's Office and informed the investigator that he could not substantiate his charges against the respondent.

WHEREFORE, the complaint for disbarment is dismissed and this case is considered closed.

SO ORDERED.

Barredo (Chairman), Conception Jr., Abad Santos, and De Castro, JJ., concur.

Was designated to sit in the Second Division.

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