

SERVANDO MANGAHAS, PETITIONER, VS. CRISPIN P. PEREZ, JR., RESPONDENT.

A.C. No. 1564. August 11, 1976

Ponente: AQUINO, J.

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AQUINO, J.:

Servando Mangahas, in a verified complaint dated November 14, 1975, prayed that Atty. Crispin P. Perez, Jr. be disbarred or suspended on the ground of malpractice.

Mangahas charged that in Civil Case No. 13 of the municipal court of Magsaysay, Occidental Mindoro, a forcible entry case, which he filed against Zenecio Barrios, Perez, as the lawyer of Barrios, filed on November 4, 1975 a motion to disqualify Judge Leonides J. Llamas from hearing the case supposedly because Barrios had filed in this Court an administrative complaint against Judge Llamas.

The truth was that as of November 5, 1975 no administrative case had been filed in this Court against Judge Llamas. It was only on January 9, 1976 that Barrios filed against Judge Llamas an administrative complaint charging him with gross ignorance of the law and notoriously disgraceful or immoral conduct. The complaint was sworn to before Atty. Perez on December 12, 1975. (Adm. Case No. 1149-MJ, Barrios vs. Judge Llamas).

Atty. Perez in his answer admitted that he was mistaken in filing the motion for inhibition. He explained that he was misled by the erroneous information given to him by the former counsel of Zenecio Barrios, who told Perez that Fitero Barrios, a brother of Zenecio, had already filed the administrative case against Judge Llamas.

Respondent Perez conceded that he committed a breach of professional ethics. He sought "the forgiveness" of this Court. He made the assurance that the mistake would not be repeated.

Complainant Mangahas failed to reply to the answer of Perez, although required to do so in this Court's resolution of January 30, 1976. The omission may signify lack of interest in further proceeding with his complaint.

After considering the foregoing facts, the Court resolved to admonish Atty. Perez (he was admitted to the bar in 1969) for his indiscretion or lack of due care in filing the motion for inhibition. He is warned to be more careful in ascertaining the factual bases of his pleadings. This case is considered closed. Let a copy of this resolution be attached to the personal record of the respondent in the office of the Bar Confidant.

SO ORDERED.

Fernando, Acting C.J., Barredo, Antonio, and Concepcion, Jr., JJ., concur.

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