

NICOLASA VDA. DE SACUEZA, COMPLAINANT, VS. JESUS SALAZAR, JR., RESPONDENT.*A.C. No. 1567. April 27, 1981*

Ponente: FERNANDO, C.J.

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The complaint against respondent Jesus Salazar, Jr., a member of the Bar, was for "malpractice, abuse of his profession, ignorance of the law and violating his professional ethics." [1] Such grave charges arose, according to the complainant, a Mrs. Nicolasa Vda. de Sacueza, from the discrepancy between the allegation in the complaint filed by him against the mother of complainant for quieting of title and the record with the Register of Deeds; for the alleged harrassment, respondent having, during the pendency of such complaint, charged complainant with grave coercion in the Court of First Instance of Albay as well as for trespass in another case; and for giving false testimony in court. There were other charges indicative of the alleged misconduct, including failure to state the truth, the submission to the Office of the Civil Relations of a fabricated order of the court in connection with the lands in litigation. In the answer, there was a denial of such accusations. As far as the case for quieting of title is concerned, he pointed out that the decision in his favor in the lower court was appealed by complainant with such appeal being dismissed by the Court of Appeals. His defense to the charge of harrassment is that far from being the truth, the criminal cases filed were meritorious but that he himself sought their dismissal thereafter out of deference to her old age, as well as pity for the co-accused of complainant.

This Court, thereafter, referred the case to the Office of the Solicitor General for report and recommendation. On December 2, 1980, such Report was submitted. Respondent was absolved from the charge that there was inconsistency between the allegation in his petition in Civil Case No. 3109 and the records of the Register of Deeds. The lack of merit of such an allegation which could have arisen from a certification that the Register of Deeds has no such entry was explained by the fact that such office was destroyed during the period of the Japanese occupation with all the records of the titles there being lost. Some of them had not even been reconstituted up to the time of the investigation. Further on this point, the Report reads: "Consequently, the reason why the records of said Registry do not show the existence of said titles is attributable to the loss of the records thereof during the Japanese occupation. In fact, the legality of said titles was upheld in Civil Case No. 3109 in which this very issue was passed upon. The resolution of the Court on the matter was also in effect affirmed when on appeal, the Court of Appeals in its decision dated January 3, 1973, dismissed complainant's appeal from the decision in said civil case." [2] It was made clear that complainant "failed to show during the investigation proof to support her contention that respondent violated professional ethics on the ground that he is in possession of fifteen (15) lots when he had only eleven (11) titles for eleven (11) parcels of land is likewise [lacking in merit] considering that the issue of ownership on the four (4) other lots is the subject of Civil Case No. 4473, Court of First Instance of Albay, entitled 'Nicolasa Tanqui Vda. de Sacueza v. Soledad F. Vda. de Salazar,' for recovery of the ownership, in which complainant is the plaintiff and respondent's mother the defendant. The case, therefore, is between complainant and respondent's mother which involves the issue of ownership over the four (4) lots, of which respondent is not a party. The decision of the court in said Civil Case No. 4473 whether adverse or in favor

of complainant herein will simply decide on the rights of the parties over the disputed lands. Certainly, this cannot affect respondent's behavior professionally or it would make him answerable for any breach of professional ethics."^[3] It thus viewed the complaint as an effort for recovering the properties which was lost to her because of the dismissal of her appeal and was not the proper subject to be taken cognizance of in a disbarment proceeding. The report added: "Moreover, it is apparent that complainant's claim [lacks merit]. She had not shown any title that supports her claim of ownership over said lots. On the other hand, complainant's evidence, particularly Exhibits 'G', 'Q-I' show that the parcels of lands in question are registered in the names of respondent's parents, who were in possession thereof since pre-war days to the present."^[4] The conclusion of Solicitor General Estelito P. Mendoza^[5] is that respondent should not be taken to task for any act of misconduct, as well as violation of professional ethics. The recommendation is for the dismissal of the complaint.

The thorough and exhaustive manner in which every aspect of the complaint was inquired into, as well as the transcript of the stenographic notes taken during the investigation that was conscientiously carried out, the stenographic notes alone in four proceedings consisting of 253 pages, argues strongly for the approval of such report and recommendation. We adopt it.

WHEREFORE, the complaint against respondent Jesus Salazar, Jr., is dismissed for lack of merit.

Barredo, Aquino, Guerrero and De Castro, JJ., concur.
Concepcion and Abad Santos, JJ., are on official leave.

[1] Complaint, 1.

[2] Report and Recommendation, 13-14.

[3] Ibid, 14-15.

[4] Ibid, 15.

[5] He was assisted by Assistant Solicitor General Octavio R. Ramirez and Solicitor Felix M. de Guzman.

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