

PEDRO AGGALUT, COMPLAINANT, VS. MARIANO T. BAGASAO, RESPONDENT.

A.C. No. 1934. February 24, 1984

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-1934/>

AQUINO, J.:

This is a complaint for gross misconduct filed in 1978 by Pedro Aggalut against lawyer Mariano T. Bagasao who was admitted to the bar in 1952.

The spouses Apolinario Aggalut and Juliana Lodovico were the owners of Lot No. 636 located at Barrio Tuao, North District No. 6, Bagabag, Nueva Ecija, as shown in Original Certificate of Title No. 4564 issued in 1937. The lot, which has an area of 2,357 square meters, was sold in 1938 in a private instrument to Jeremias Dulay who immediately took possession thereof. Jeremias was succeeded by his son, Jesus.

On October 10, 1972, Juanita (sister of Apolinario) and Pedro, both surnamed Aggalut, filed a petition in court through lawyer Bagasao, for the issuance of owners' duplicates of titles, allegedly destroyed during the war, one of which was OCT No. 4564 for Lot No. 636. Lawyer Bagasao did not present Pedro as a witness to testify because his testimony allegedly would be cumulative. The court granted the petition.

In the meantime, Pedro Aggalut became the caretaker of Bagasao's cattle ranch. On August 31, 1976, lawyer Bagasao (provincial assessor), on the pretext of working for the transfer of the title of Lot No. 636 to Pedro, required him and his wife to sign a document in English. The document dated August 31, 1976 turned out to be a "Deed of Confirmation of Sale with Absolute Quitclaim" in favor of Juanita Gonong, Bagasao's wife, to whom Pedro's parents allegedly sold the land in a private instrument for P500 "duly paid" to them and Pedro.

Gonong supposedly took possession of the land after she bought it from Pedro's parents. The private writing was not quoted in the deed of confirmation. Pedro said that he gave Bagasao the tax receipt and fifty pesos for the registration of the deed. He did not state that he gave the owner's duplicate of the title.

Pedro denied that he appeared before Municipal Judge Floramante G. Tupasi who notarized the deed of confirmation. He had not seen the face of Judge Tupasi. The deed did not name Bagasao as the husband of the transferee, Juanita Gonong. The deed was registered. The new title issued to Gonong described her as "married" but her husband's name was not specified.

Bagasao and his wife mortgaged Lot 636 and another lot to the Development Bank of the Philippines on February 22, 1977 as security for a loan of P18,000.

What makes the case perplexing or bewildering is that even before that mortgage, or on December 6, 1976 (that was more than three months after the deed of confirmation), Juanita Gonong executed in favor of Aggalut a "Deed of Reconveyance & Resale Over Registered Land". Gonong stated in that deed that the transfer to her of the land had to be rescinded because of the adverse claim of Dulay.

The rescission or reconveyance was allegedly in consideration of the return of the P500 paid by Gonong to Aggalut but, before the return of that amount, Gonong should "clear" the land of its mortgage obligation to the DBP.

Fiscal Justino A. R. Vigilia, the investigator, observed that the said deed of reconveyance was "unknown" to Aggalut and was not delivered to him. The adverse claim of Dulay, like the DBP mortgage, was annotated on Gonong's title on August 16, 1977 or very much later than Gonong's deed of reconveyance. Note further that the deed of reconveyance was disclosed by lawyer Bagasao in his answer to the complaint dated October 10, 1978 by means of these allegations:

"That even the ownership of the land (Lot 636) which was lawfully conveyed to the respondent's wife, had long remained to belong to the complainant because when adverse claims of ownership were interposed over the sale in favor of respondent's wife, there was no other recourse for respondent's wife but to rescind the sale by way of reconveyance of the property to said complainant. Attached hereto and marked as Annex A is the deed of resale and reconveyance executed almost two years ago at Bayombong, Nueva Vizcaya and in favor of this complainant, and which document will clearly show the malice and evil motives of said complainant in filing the charges against the herein respondent." (sic)

To support his answer, Bagasao presented the affidavits of Bruno Organista and Saturnino Galapon. Organista averred that he was requested by Aggalut to look for a buyer of Lot No. 636. Apparently, the interested buyer was Juanita Gonong. Because the title was still in the name of Aggalut's parents, it was arranged that Aggalut would execute a document of confirmation of sale in favor of Gonong. Galapon averred that he was the one who prepared the deed of confirmation and that Aggalut appeared before the municipal judge to acknowledge it.

In Civil Case No. 2585 of the Court of First Instance of Nueva Vizcaya, Dulay sued the Bagasao spouses for the cancellation of their title to Lot No. 636. The case was settled amicably between Dulay and the Bagasao spouses. The settlement was in favor of Dulay. The title of Gonong was cancelled. A new title was issued to Dulay. Aggalut executed a quitclaim of his supposed rights to Lot No. 636.

Aggalut, assisted by Dulay's counsel, withdrew his herein complaint against Bagasao. Fiscal Vigilia noted that Aggalut did not come to this Court with clean hands. He should have known that he had no rights to Lot No. 636. The logical complainant was Dulay.

Notwithstanding that withdrawal, Bagasao's obvious maneuvers and machinations to acquire that lot cannot be tolerated and glossed over and cannot escape censure.

He is severely reprimanded for his unethical manipulations regarding Lot No. 636. A copy of this decision should be attached to his file in the Bar Confidant's office.

SO ORDERED.

Concepcion, Jr., Guerrero, Abad Santos, De Castro, and Escolin, JJ., concur.

Makasiar, J., (Chairman), respondent should be disbarred for falsification of a public document and taking undue advantage of an ignorant man.

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.