

AVELINO FRAN, COMPLAINANT, VS. ATTY. JUANITO FUERTE, RESPONDENT.*A.C. No. 2160. July 20, 1982*

Ponente: DE CASTRO, J.

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In his letter-complaint together with his "sinumpaang salaysay" filed with this Court, complainant Avelino Fran seeks the disbarment of respondent Juanito F. Fuerte, for alleged professional misconduct committed as follows:

"(1) NA si: Atty. Juanito F. Fuerte, isang abogado sa San Narciso, Zambales, ay ipinagsusumbong at pinananagot ko sa KATAASTAASANG HUKUMAN NG PILIPINAS, sa Padre-Faura, Metro Manila. Sa panlilinlang, panloloko, at pagsasamantala sa aking katandaan, kamangmangan at kahirapan sa tulong at pakikipagsabwatan ng kanyang mga kamag-anak na sina Mrs. Manuela Quiteles Vda. de Fuerte - may-ari ng lupang aking sinasaka, si Guillermo Renulo, Kapitan ng Barangay Beddeng, San Narciso, Zambales at si Francisco Viado na pawang kanyang mga kamag-anak.

x x x x x x x x x

"(3) NA, ang panlilinlang, panloloko at pagsasamantalang ito sa aking katandaan, kamangmangan at kahirapan ay naganap nuong ika 27 ng Enero 1980, humigit-kumulang ay 9:00 ng umaga ay sinundo ako sa aking bahay ni Mrs. Manuela Quiteles Vda. de Fuerte na tiyahin ni Atty. Juanito F. Fuerte at sinabihan ako ng:.....Halika, sumama ka sa akin sa bahay ng aking pamangkin at gagawin na niya ang ating kasunduan sa lupa. Ako'y kinabahan at ako'y tumanggi na sumama at ang sabi ko ay . . . ayaw ko, papayag lamang ako kung sa aking anak na si Fernando malilipat ang pagsasaka ko sa lupa, sapagkat ako'y matanda na at masasaktin at siya naman talaga ang nuong una pa ay katulong-tulong ko na sa pagsasaka dito sa lupa. At ang sabi niya ay OO nga iyon ang ating gagawin - - gagawa si Juanito (na ang tinutukoy ay si Atty. Juanito Fuerte) ng kasunduan na inililipat na natin sa anak mo ang karapatan na makapagsaka sa lupa... kung gayon ang sagot ko ay. . . kailangan isama natin ang aking anak na si Fernando. 'Hindi na kailangan, ikaw lang ang kailangan duon, ang sabi pa niya. Kaya ako ay sumama na sa kanya sa bahay ni Atty. Juanito F. Fuerte.

"(4) NA, pagdating namin duon ay nakita na namin sa bahay ni Atty. Juanito F. Fuerte bukod sa kanya sina Guillermo Renulo-kapitan ng Bgy. Beddeng at si Francisco Viado na kapwa nila kamaganak. Na nakita ko na si Atty. Juanito Fuerte na mayroon ng hawak na nakahanda ng kasulatan at ang sabi niya sa akin ay. . . 'Heto na yari na ang kasunduan ninyo, inayos ko na pirmahan mo na ito,' Ako'y tumutol at ang tanong ko ay '. . . Primo, ano ba yan? hindi ko naiintindihan yan. Alam mo naman hindi ako marunong bumasa at sumulat, basahin mo muna at ipaliwanag mo sa akin kung ano ang ibig sabihin niyan. Hindi kumibo si Atty. Fuerte at nakita ko na nagtinginan sila ni Mrs. Manuela Quiteles Vda. de Fuerte at si Kapitan Guillermo Renulo at nakita ko pa na binulungan ni Mrs. Quiteles si Atty. Fuerte at pagkatapos ay nagsalita si Atty. Fuerte ng "... Hindi na kailangan, basta pirmahan mo na 'yan. Ngunit ako ay tumutol at ang sabi ko "...Ayaw ko, Primo, hindi ko mapipirmahan iyan..." Dahil dito ay nagtanong siya sa akin nang. . .Bakit ano ba ang gusto mo? Dito sumabad si Mrs. Quiteles at sinabihan ako nang... "Walang masama diyan, hindi ba ang gusto mo ay ilipat sa iyong anak ang karapatan ng pagsasaka sa lupa? Iyan ang nakalagay diyan. Sige pirmahan mo na. Nang ako'y hindi pa rin kumibo ay si Atty. Juanito Fuerte naman ang nagsalita ng... Oo, 'yan ang nakalagay diyan, huwag kang

mag-ala-ala hindi ka namin lolokohin, magagawa ba namin sa inyo iyan ay matanda na kayo. Basta pirmahan mo na 'yan. . . Dahil dito ako'y naniwala na kay Atty. Juanito Fuerte, na ako 'y hindi nila lolokohin at ako'y pumirma na.

"(5) NA nuong ako'y makapirma na ay pinapirma naman niya sina Kapitan Guillermo Renulo at si Francisco Viado. Ako'y humingi ng kopya kay Atty. Fuerte ngunit hindi niya ako binigyan at ang sabi pa sa akin ay "... hindi na kailangan, basta ang mahalaga, ay nakapirma ka na. At ako'y hindi na nila pinansin at hindi nagtagal ay umuwi na sa pag-aakala ko na iyon na ang "KASUNDUAN" na inililipat na sa aking anak na si Fernando ang aking karapatan sa pagsasaka. Na nuong ako'y dumating sa bahay ay tinanong ako ng aking anak na si Fernando kung ano ang nangyari at hinahanap 'yong kopya ng aking pinirmahan. Na nang wala akong maipakita at malaman niya ang buong pangyayari ay naghinala na siya na ako'y nilinlang nina Atty. Juanito Fuerte at Mrs. Manuela Quiteles Vda. de Fuerte."[1]

Complainant claims that the alleged deed of transfer of right to farm the land turned out to be a "Deed of Surrender of a Landholding." [2]

Required to comment on complainant's affidavit complaint, respondent specifically denied in his comment [3] and prayed for the dismissal of all the charges against him on the ground that the questioned deed of surrender of a landholding was voluntarily executed by complainant as such, not as a deed of transfer of right to farm the land to anybody, as he claimed.

In the resolution [4] of this Court dated August 27, 1980, the case was referred to the Solicitor General for investigation, report and recommendation. During the investigation, the following incident transpired:

"INVESTIGATOR:

Q: Adda ingkoyug-yu nga abogado nga mangtulong caniayo ito deytoy a darum yo contra kenni Abogado Fuerte?

(Did you bring a lawyer with you to prosecute the case against Atty. Fuerte?)

A: Awan, Apo.

(None, sir).

"INVESTIGATOR:

Q: Ammon ti agsao iti Tagalog?

(Do you speak Tagalog?)

A: Ammoc bassit.

(A little sir.)

Q: No agpayso met laeng nga saanca unay makapagsao iti Tagalog apay nga deyto affidavityo nay-surat iti Tagalog?

(If you know how to speak only a little Tagalog, will you please explain to me why your affidavit is written in Tagalog?).

A: Sakbay nga pinirmaak deyto affidavitco inlawlawag caniac ni Fernando Fran anakco nga lalaki ti linaon ti affidavitco.

(Before I signed the affidavit, my son, Fernando Fran explained to me the contents of the affidavit).

Q: Naawatam met laeng iti pinangyulog ni Fernando Kenca iti linaon toy affidavitmo?

(Did you understand the translation of Fernando?)

A: Wen, Apo.

(Yes, sir.)

Q: Apay nga awan iti cadduam nga Abogado?

(Why did you not bring a lawyer with you?)

A: Gaputa awanen iti interescon apo nga mangituloy iti darumco to kinaagpaysona saan nga pudno iti linaon deyta affidavitco.

(I have no more interest to pursue the case because there is no truth to the contents of my complaint affidavit.)

"INVESTIGATOR:

Q: No costa met la gayam apay nga indarummo ni Apo Fuerte?

(If that is the case why did you file this case against Atty. Fuerte?)

"MR. FRAN:

A: Agbababawia ngarod apo ta basol ko amin deytoy maararamid itatta. Pakawanen-nac koman apo iti deytoy nga nagbasolac ket dawatec coma ti pinangdespensar ken pinangpakawan ni Apo Fuerte caniac Tulongandac coma apo ta lakayakon pito pulo iti tawencon.

(I am very sorry for everything and for this reason I am asking this Investigator and Atty. Fuerte to forgive me for the wrong that I have done. Please help me because I am already 70 years old).

Q: Awan met la nangbutbuteng kenca sakbay nga simbrec ca dito cuartoc?

(Was there anyone who threatened you before you entered the room of this Investigator?)

A: Ni Apo Dios ti saksic, awan apo.

(God is my witness, nobody threatened me).

Q: No casta iti cona yo saludsodec ngarod kenni Abogado Fuerte no ania ti macunnana iti impalawag mo caniac?

(If that is what you say then I will ask Atty. Fuerte to comment on your declaration.)

"INVESTIGATOR:

Q: Atty. Fuerte, what do you say to the declaration of Mr. Fran?

A: Sir, I am happy to hear that the complainant has finally reached the truth; that is he is now fully aware that I have nothing to do with the accusation hurled against me in his complaint. I am also happy to in form this Investigator that I have always followed my oath as a lawyer since I became one.

I think the request of Mr. Fran seeking forgiveness from your brother in the profession is acceptable. However, I accept his offer of apology with this reservation, that Mr. Fran be advised not to file charges against members of the Bar that are baseless. But, I know sir, that Mr. Fran deserves to be forgiven considering, that he is unlettered and an old man who is about to meet his Maker.

INVESTIGATOR:

Mr. Fran, pacawanennacan ni Apo Fuerte. ngem iti cayat na ipacaammoc coma kenca nga saan mo nga

aramiden coman to manen iti agidarum cadaguiti abogado nangruna no awan met ti kinapudno na.

(Mr. Fran, Atty. Fuerte is willing to forgive you but he wants this Investigator to convey to you that his forgiveness is conditioned on your being reminded not to file in the future baseless charges against members of the Bar.

"MR. FRAN:

A: Wen Apo, maawatac itattan Apo.

(Yes, sir, I understand it now).

"ATTY. FUERTE:

May I make some manifestation, sir.

"INVESTIGATOR:

Proceed.

"ATTY. FUERTE:

I am asking this Honorable Investigator to please note that Mr. Fran is very repentant.

"INVESTIGATOR:

I also noticed that. Do you have anything more to say, Atty. Fuerte?

"ATTY. FUERTE:

No more, sir.

"INVESTIGATOR:

Q: Ket dacayo Apo Fran?

(How about you Mr. Fran?)

"MR. FRAN:

A: Awanen Apo.

(None, sir, was the answer of respondent in Ilocano)."[5]

Based on the foregoing, the Solicitor General, in his Report and Recommendation[6] dated April 13,1982, recommended to this Court the dismissal of the instant case, "considering that complainant has lost interest in pursuing his complaint which, according to complainant himself, the charges therein are not true, and considering further complainant's manifestation of repentance for having filed a complaint that has no leg to stand on, and considering finally that respondent has accepted complainant's offer of apology and forgiveness."

Finding the aforesaid Report and Recommendation to be properly supported by the records of the case, We hereby approve the same.

WHEREFORE, this case is dismissed.

SO ORDERED.

Barredo, (Chairman), Aquino, Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.

[1] pp. 2 & 3, Records.

[2] p. 6, Id.

[3] pp. 8-10, Id.

[4] p. 12, Id.

[5] pp. 4-12, T.s.n.

[6] pp. 17-24, Records.

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