

MANUEL Y. MACIAS, COMPLAINANT, VS. BENJAMIN B. MALIG, RESPONDENT.

A.C. No. 2409. January 29, 1988

Ponente: FELICIANO, J.

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FELICIANO, J.:

This is an administrative case instituted by complainant Atty. Manuel Y. Macias against respondent Atty. Benjamin B. Malig for suspension or disbarment upon grounds of malpractice and violation of the lawyer's oath.

The charges made by Atty. Macias in his sworn Complaint dated 14 June 1982, may be summed up as follows:

"1.

He [Atty. Malig] acted as counsel for Rosario M. Lloras in Special Proceedings No. 70878 of the then Court of First Instance of Manila although Atty. Macias was still her attorney of record.

2.

He harassed Atty. Macias to withdraw his appearance in: (a) Special Proceeding No. 70878, and (b) Civil Case No. 73335 of the then Court of First Instance of Manila, which became G.R. No. L-34395 of this Honorable Court; and he intimidated Atty. Macias into signing: (a) the Waiver (Exhibit 'C'), (b) the Substitution of Counsel in Civil Case No. 73335 (Exhibit 'R'), and (c) the Substitution of Counsel in Special Proceeding No. 70878 (Exhibit 'S').

3. He did not substitute Atty. Macias in Civil Case No. 65763 but claimed for himself the attorney's fees of Atty. Macias.

4. He extorted from Atty. Macias the sum of P10,000.00.

5. He corruptly induced the late Judge Joel Tiangco to lift Atty. Macias' attachment on a property belonging to the Lloras without notice to Atty. Macias.

6.

He actively assisted the Lloras to dispose of all their properties in the Philippines and remit the proceeds to Australia in fraud of Atty. Macias."^[1]

In turn, respondent Atty. Malig in his "Comment with Countercharge" dated 1 September 1982 sought the disbarment of complainant Atty. Macias. The countercharges against Atty. Macias are the following:

"1.

Atty. Macias made an unethical solicitation of case - the settlement of the estate of Rosario Legarda de Valdes.

2.

He instituted a patently baseless and malicious action, Civil Case No. 109585, before the Regional Trial Court in Manila for attorney's fees and damages against Antonio Ma. Llorá, Rosario M. Llorá and their family-owned corporations.

3. He maliciously and irresponsibly charged Atty. Malig and his clients with having 'exacted' and 'extorted' from him the sum of P10,000.00.

4. He maliciously and irresponsibly charged Atty. Malig and the late Judge Joel Tiangco with corruption in the lifting of an attachment.

5. He made an unethical representation of a client.

6.

He maliciously and irresponsibly charged Atty. Malig and his clients, the Llorá spouses, with fraudulent disposition of the latter's properties and salting the proceeds [in] Australia."^[2]

After considering the complaint, respondent's Comment with Countercharge, complainant's "Reply to Comment and Answer to Countercharge" dated 6 October 1982 and respondent's "Reply" dated 14 December 1982, the Court, by a Resolution dated 26 January 1983, resolved to refer this case to the Office of the Solicitor General for investigation, report and recommendation. On 13 November 1986, the Solicitor General forwarded to the Court his Report and Recommendation dated 22 September 1986.

It appears from the record that complainant Macias had been counsel for the Legarda family (including Rosario Legarda de Valdes) during the 1960s. A Retainer Agreement was eventually formalized on 31 December 1968, which Agreement defined the scope and nature of the services complainant was to render for the family including companies that Don Benito Legarda, Doña Rosario Legarda de Valdes and Doña Teresa Legarda might form.

On 15 September 1969, Doña Rosario Legarda de Valdes died. Gen. Basilio Valdes, widower of Doña Rosario, and Rosario M. Llorá, a legally adopted daughter of Gen. and Mrs. Valdes, requested complainant Macias to cause their substitution for the late Doña Rosario Legarda de Valdes in the pending cases and proceedings involving the decedent.

On 26 January 1970, Gen. Valdes died, leaving Rosario M. Llorá, married to Antonio Ma. Llorá, as successor-in-interest. In 1972, Rosario M. Llorá and her husband retained respondent Malig as counsel and executive officer of the various companies that the Llorás owned. Not long afterwards, the spouses Llorá decided

that they wanted to be represented by respondent Malig in all their pending cases. Mr. Llorá advised the complainant of their desire, and requested him to withdraw from any cases he was then handling for Mrs. Llorá or her parents, so that the Llorás could consolidate all their legal business, as it were, in the hands of Malig.

Complainant filed in Special Proceedings No. 70878 (testate proceedings of Doña Filomena Legarda, mother of the deceased Doña Rosario Legarda de Valdes) a "Motion to allow and direct payment of legal services rendered to the estate", dated 10 December 1973, asking the Probate Court to fix and determine the fees payable to complainant from the estate for services rendered in the Court of Appeals and the Supreme Court, and to direct payment by the administrator to the complainant of the fees so fixed and determined. Because she would be affected by whatever amount the Court would fix as attorney's fees to be paid by the estate and charged against the interest of the heirs, Mrs. Llorá opposed the Motion. Mrs. Llorá alleged that a prior agreement on attorney's fees, dated 22 November 1969, between complainant and the administrator of the estate should control the amount of fees payable to complainant. Complainant had previously indicated to Mrs. Llorá that he felt he should be paid an amount equivalent to eight percent (8%) of the distributive share corresponding to Mrs. Valdes and now to Mrs. Llorá in the estate of Doña Filomena Legarda. Pending resolution of complainant's Motion, a conference was called by the heirs of Doña Filomena Legarda to deal with the payment of attorney's fees to Macias. Agreement was reached by the parties: Complainant Macias would execute a waiver of his claim for attorney's fees insofar as the share of Mrs. Llorá was concerned and would execute written "Substitution(s) of Counsel" in the several cases he had been handling for Mrs. Llorá or her predecessors-in-interest; Mrs. Llorá would, in turn, withdraw her Opposition to complainant's Motion to allow and direct payment of legal services in Special Proceedings No. 70878.

On 22 July 1976, the Probate Court in Special Proceedings No. 70878 issued an order awarding complainant P286,102.91 as attorney's fees. The court order was silent in respect of the waiver executed by complainant in favor of the Llorás. Mrs. Llorá called complainant's attention to the failure of the order to refer to the waiver by complainant. Mrs. Llorá subsequently filed a Motion for Reconsideration asking the court to reduce the award of attorney's fees to complainant by an amount equivalent to her share in such payment.

Pending resolution of Mrs. Llorá's Motion, complainant sent the Llorás a letter dated 2 December 1976, which covered: an explanation that the award was not against the heirs in their personal capacity, but against the estate of Doña Filomena as an expense of administration; a request that Mrs. Llorá's Motion for Reconsideration be withdrawn; an account of his meeting with some of the heirs of Doña Filomena and their counsel inside the Chambers of the Probate Judge on 19 November 1976, during which he agreed to the reduction of the award, now in the amount of P219,602.91 (this amount was arrived at after deducting earlier payments totalling P66,500.00 from the original amount of P286,102.91) by P34,602.91 making him entitled to only P185,000.00; and an advice that ultimately all the twenty-two (22) heirs of Doña Filomena would be sharing 1/22 of the net payable amount of P185,000.00, which is equivalent to P8,000.00 more or less. This letter notwithstanding, the Llorás required complainant to issue a postdated check payable to Mrs. Llorá in the amount of P10,000.00, which complainant immediately did on 15 December 1976. On 21 December 1976, the day when the postdated check became due, complainant obtained an order of the Probate Court, approving the agreement reached at the 19 November 1976 conference, which reduced the amount of attorney's fees to P185,000.00 and enjoining the parties to keep full faith with the undertaking. This order enabled complainant to obtain immediate payment from the estate of Doña Filomena.

On 15 July 1977, complainant instituted a civil suit against the Llorás and their family-owned corporations, docketed as Civil Case No. 109585, for the nullification of the waiver, for the refund of P10,000.00 paid to Mrs. Llorá and for the payment of attorney's fees in the amount ranging from P750,000.00 to P3,000,000.00 -- covering

the legal services he allegedly rendered over the preceding thirty (30) years to Mrs. Lloras' predecessors-in-interest, Gen. and Mrs. Basilio Valdes which, according to complainant, redounded to Mrs. Lloras' benefit. Complainant succeeded in attaching one of the properties of the Lloras' RML Realty Development Corporation, after posting a bond of P25,000.00. The levy was soon discharged in an order issued by the late Judge Joel Tiangco dated 6 March 1979 upon approval of the counter-bond of P200,000.00 posted by the RML Realty Development Corporation through its counsel, the Ozaeta, Romulo Law Offices. This discharge was later affirmed by the Court of Appeals in an order dated 31 August 1979. Still later, on 15 June 1982, complainant instituted this administrative complaint against respondent Malig.

The Solicitor General considered both the charges of complainant Macias against respondent Malig and the countercharges of respondent Malig against complainant Macias.

In respect of the charges of complainant Macias against respondent Malig, the Solicitor General found the evidence presented by complainant as insufficient to sustain his charges against respondent:

"1.

Atty. Malig has the right to represent Rosario M. Lloras in opposing Atty. Macias' motion for the payment of his attorney's fees for the simple reason that Atty. Macias cannot possibly act as her counsel in opposing his own motion. Moreover, Atty. Macias did not automatically become also the counsel of Rosario M. Lloras upon the death of his client Rosario Legarda de Valdes.

2.

Atty. Malig cannot be guilty of harassment and intimidation because he merely performed his duties as counsel for the Lloras spouses and had even no participation in the negotiation for the execution of the Waiver (Exhibit "C"), the Substitution of Counsel in Civil Case No. 73335 and Special Proceeding No. 70878 (Exhibits "R" and "S", respectively). In fact, he was not even present in the conference held by Atty. Macias, Atty. Eduardo Hernandez, Antonio M. Lloras and other heirs where Atty. Macias himself suggested the preparation of said documents.

3. The Substitution of Counsel in Civil Case No. 65763 (Exhibit "6") clearly shows that Atty. Malig actually substituted Atty. Macias in said case on March 31, 1974.

4.

The P10,000.00 paid by Atty. Macias was in consideration of the withdrawal of the appeal interposed by Rosario M. Lloras from the award of attorney's fees to Atty. Macias. The check (Exhibit "12") paid by Atty. Macias shows that the payee was Rosario M. Lloras and it was deposited in her account. Atty. Malig therefore did not extort it from Atty. Macias.

5.

Atty. Macias himself admitted that he has no personal knowledge that Atty. Malig induced Judge Joel Tiangco to lift the attachment and that they have any relationship. On the contrary, the attachment was properly lifted by the trial court after Atty. Macias made his comment on it. Thus, the then Court of Appeals dismissed Atty. Macias' petition for certiorari to annul and set aside the said discharge of attachment.

6.

The two deeds of sales (Exhibits "M" and "N") are insufficient to show that Atty. Malig assisted the Lloras spouses to dispose of their properties in the Philippines and remit the proceeds to Australia in fraud of Atty. Macias. While they refer to the lands owned by the corporations owned by the Lloras spouses, the RML Realty Development Corporation is precisely engaged in the real estate business. Besides, since the Lloras spouses have already emigrated to Australia, their dispositions of their properties in the Philippines were in good faith."

After careful examination of the records of this case, the Court agrees with the above findings of the Solicitor General that complainant Macias' charges against respondent Malig were indeed not substantiated.

The Solicitor General also found that the counter-charges of respondent Malig against complainant Macias, had not been adequately proved:

"On the other hand, the countercharges have not also been proved by sufficient evidence and are without merit for the following reasons:

- As the counsel for 22 years since 1947 of Dr. Basilio J. Valdes and his wife Rosario Legarda de Valdes, it is only natural for him to inquire whether he will still continue his legal services upon the death of Rosario Legarda de Valdes. To immediately stop his legal services without first inquiring from her heirs would prejudice the estate of Rosario Legarda de Valdes. His solicitation [of information on] whether his legal services are still needed [was] therefore justified and made in good faith.

- It would be premature to conclude that the Civil Case No. 109855 instituted by Atty. Macias is patently baseless and malicious. The case is still pending decision by the Regional Trial Court in Manila. In any case, it was filed by Atty. Macias in good faith.

- The term 'extorted' in the pleadings of Atty. Macias is not unethical but a common legal term descriptive of the overt act complained of. Since he believes in good faith that he was prejudiced by such act, he cannot be accused of charging Atty. Malig maliciously and irresponsibly.

- Believing in good faith through the information of the branch clerk of court that Atty. Malig is related to Judge Joel Tiangco whom he induced to lift the attachment, Atty. Macias could likewise not be accused of charging Atty. Malig maliciously and irresponsibly.

- Atty. Macias could not have made an unauthorized representation of Rosario M. Lloras in Civil Case No. 65763, because the trial of the case had been completed in February, 1973, and he signed the substitution of counsel only in March 1974. It is only the writing and filing of the brief in C.A.-G.R. No. 63025 of the then Court of Appeals (Exhibit "P") which incidentally benefited Rosario M. Lloras after March 31, 1974.

- With knowledge of the sales covered by the two deeds of sale (Exhibit "M" and "N"), Atty. Macias believes in good faith that Atty. Malig is assisting his clients in disposing of their properties in the Philippines and in remitting the proceeds to Australia when they emigrated to defraud him of his attorney's fees. Especially so that the case Atty. Macias filed against the Lloras spouses for attorney's fees is still pending decision."

With respect to most of the specific countercharges of respondent Malig against complainant Macias, the Court agrees with the general conclusion of the Solicitor General that these countercharges have not been adequately proved. In respect of Item No. 2 above, which relates to Civil Case No. 109855 commenced by complainant Macias against his former clients for claimed attorney's fees, complainant Macias is entitled to the benefit of a presumption of good faith. The court would observe, however, that that presumption is one juris tantum only, persisting until the final resolution of Civil Case No. 109855 should prove otherwise. Item No. 6 above is related to, but not dependent upon, Item No. 2 above. In Item No. 6, complainant Macias by charging that respondent Malig was assisting Rosario M. Lloras and her husband in disposing of their properties and remitting the proceeds

thereof to Australia in fraud of complainant Macias, was in effect accusing both respondent Malig and the spouses Lloras of bad faith and fraud. The Court finds it very difficult to believe that complainant Macias could have supposed, in good faith, that his former clients would emigrate to Australia and dispose of their properties in the Philippines for the sole or principal purpose of defrauding him of attorney's fees. The record is bare of any suggestion that complainant Macias had previously investigated the truth of the charge which he so readily hurled against both respondent Malig and the spouses Lloras. The fact that the Lloras had earlier successfully objected to the amount of fees complainant Macias sought to charge the estate of Doña Filomena Legarda, plus the fact that Macias soon thereafter commenced his suit against the Lloras for very large amounts of alleged fees, strongly suggest that the charge of bad faith and fraud against the Lloras and respondent Malig, was born out of improper motives.

The Court is not prepared to condone by passing over sub silentio the misconduct of which complainant and respondent are guilty one vis-a-vis the other. Each party here has shown himself to be too ready to believe the other guilty of serious misconduct in the practice of the profession to which they both belong while vehemently asserting his own good faith. Each party here was too anxious and willing to make serious accusations against the other which the exertion of reasonable diligence along with simple courtesy would have shown to be unwarranted by the facts and the record. Each attorney here was too prone to use intemperate and offensive language in describing the professional behavior of the other. Complainant Macias insisted that respondent Malig "extorted" P10,000.00 from him. The dictionary meaning of "to extort" is "to obtain from an unwilling or reluctant person by physical force, intimidation or the abuse of legal or official authority" (Webster's Third New International [1981 ed.]). Clearly, extortion is an unethical act and may well be criminal. "Harassment" and "intimidation" are other similarly unethical and offensive acts that complainant Macias so freely ascribed to respondent Malig. "Corruption", with which complainant Macias accused both respondent Malig and the deceased Judge Tiangco is an even more deplorable term. Upon the other hand, respondent Malig was not to be outdone and referred to complainant Macias as a "denizen" of "a jungle" who "prey[s] upon his brother lawyer [and] his [own] clients" and likened him to "a baneful snake biting the hand of the client who fed him" (Comment with Countercharge, Rollo, p. 27).

Complainant Macias and respondent Malig are not, however, in *pari delicto*. For purposes of determining appropriate penalties, in respect of complainant Macias, the Court takes judicial notice of the fact that this is not the first time that complainant Macias has been found guilty of using "improper and unethical language". In *Beatriz L. Gonzales v. Court of First Instance of Manila, et al.*, G.R. No. L-34395, this Court, in a Resolution dated 29 July 1981, held certain statements made by complainant Macias in pleadings filed before this Court as "intemperate, tactless and offensive" and as constituting "contempt of court in *facie curiae*" for which complainant Macias was "severely reprimanded" and warned that, for a repetition of the offense, a more drastic penalty would be imposed.

The Court would also take judicial notice of the fact that complainant Macias has more than once in the past been rebuked by this Court in relation to his conduct vis-a-vis clients and former clients.[3]

The Solicitor General concluded his Report and Recommendation in the following manner:

"Court dockets are severely clogged with litigation which demand prompt attention, but such desirable action can not be fully realized when members of the bar are the ones who themselves file administrative cases against each other only to have them withdrawn as soon as their personal egos have been assuaged. If the members of the bar can not restrain their tempers when their sensibility to criticism is involved, it becomes difficult for said officers of the court to restrain their own clients against commencing and pursuing innocuous litigation. Moreover, such conduct diminishes the opportunity of the Supreme Court to discipline erring members of the Bar. For contributing to this unwanted consequence in the administration of law, complainant

and countercomplainant in Case No. 2409 should be severely disciplined by the imposition of heavy fine in addition to being subjected to stern censure by the Supreme Court.

IX. RECOMMENDATION

"WHEREFORE, it is respectfully recommended that the charges and countercharges between Atty. Macias and Atty. Malig be dismissed for insufficiency of evidence and lack of merit, but both parties should be severely disciplined by the imposition of heavy fine in addition to being subjected to stern censure by the Supreme Court."

We hold that complainant Macias and respondent Malig are both guilty of conduct unbecoming a lawyer and an officer of the court. Lawyers must at all times treat each other, and as well their clients, former clients and the rest of the community, with that personal dignity, courtesy and civility rightly demanded of members of the ancient and learned profession of the law.

ACCORDINGLY, the charges of complainant Macias against respondent Malig and the countercharges (save Item No. 6) of respondent Malig against complainant Macias are hereby **DISMISSED** for their failure to substantiate the same and for lack of merit. Complainant Macias is hereby **REPRIMANDED** and **SUSPENDED** from the practice of law for a period of three (3) months for acts unbecoming a lawyer and an officer of the court. Respondent Malig is also hereby **REPRIMANDED** and **FINED** P5,000.00, for acts unbecoming a lawyer and an officer of the court. In addition, they are each **WARNED** that commission of the same or similar acts in the future will be more severely penalized by the Court. Let a copy of this Decision be attached to the Personal Records of complainant and respondent lawyers in the Bar Confidant's Office.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Bidin, and Cortes, JJ., concur.

[1] As summarized in the Report and Recommendation, dated 22 September 1986, by the Solicitor General, p. 2.

[2] As summarized in the Report and Recommendation of the Solicitor General, *supra*, p. 10.

[3] In *Intestate Estate of Rosina Marguerite Wolfson, etc.; Macias v. del Rosario*, 45 SCRA 381 (1972), this Court through Mr. Justice Makasiar said:

"x x x It should be noted from his said memorandum that the late Julian Wolfson expressly hoped that his sister will deliver to petitioner-appellant at her convenience only the comparatively meager sum of P500.00, the lowest accorded to his former employees by the late Julian A. Wolfson, who expressed the same hope that Rosina at her convenience will deliver to three of his employees P10,000.00 each and to two remaining employees P1,000.00 each, less taxes. It is likewise significant that the deceased Julian Wolfson preferred to leave his last instructions to Ricardo Vito Cruz, his accountant, and not to petitioner-appellant, an experienced lawyer of long standing and Julian's former assistant for several years in his law firm. Considering these circumstances, the unusual interest on the part of petitioner-appellant in insisting in filing a separate probate proceeding and in seeking his own appointment as administrator of Rosina's estate is rather curious, to say the least.

A respectable and self-respecting member of the Bar would consider indelicate such an act and would restrain his hand in being too officious under the circumstances. He would not institute several actions to protect his interest, when one suit will suffice, thus minimizing the clogging of the dockets of the courts.

Petitioner-appellant's pretension that he was not aware of the petition filed on August 13, 1966 by Atty. Arturo del Rosario for the probate of the will and codicils of Rosina in the same Special Proceedings No. 63866, even if true,

does not justify his initiating another proceeding for the same purpose, separate from and independent of Special Proceedings No. 63866. In this connection, his pretension cannot be believed; because he was the one who filed on January 10, 1966, Special Proceedings No. 63866 in behalf of appellee Ricardo Vito Cruz whose appointment as special administrator he secured and whose appointment as regular administrator he prayed for. Upon knowing of the existence of Rosina's will and codicils, petitioner-appellant would reasonably be expected to examine and study the records of Special Proceedings No. 63866 long before he filed on October 25, 1966 his separate petition for probate of the same will and codicils assigned to Branch VI, and consequently he must have necessarily discovered the existence in the record of Special Proceedings No. 63866 of the petition for probate filed by Atty. Arturo del Rosario. Because such a petition would nullify his obvious desire to have a hand in the administration of Rosina's estate through his former client, appellee Ricardo Vito Cruz, feigning ignorance of the petition of Atty. Arturo del Rosario, he filed a separate independent petition for probate which is docketed as Special Proceedings No. 67302 hoping thereby to preserve the chances of his claim being recognized by the court and of being appointed regular administrator, instead of filing the same petition in special Proceedings No. 63866 for the conversion of the said proceedings from intestate to testate. This act on his part reveals a motive that is hardly flattering to him as a member of the bar and as an officer of the court." (45 SCRA at 393-395; Underscoring supplied)

Again, in *Macias v. Vito Cruz, et al.*, 49 SCRA 80 (1973), this Court, speaking once more through Mr. Justice Makasiar, said:

"The trial court, in the challenged order appointing Ricardo Vito Cruz, ancillary administrator of the estate in the Philippines of Rosina, instead of appellant Macias, found, among others, that Ricardo Vito Cruz was appointed special administrator in January 12, 1966 at the instance of oppositor-appellant Macias himself, who, as then counsel of Vito Cruz, instituted Special Proceeding No. 63866 over the estate of Rosina; that as such special administrator, Vito Cruz has 'indubitably x x x performed his functions well;' that all the estate, inheritance, income and real estate taxes due the Philippine Government had been paid by Vito Cruz as such special administrator; that there is nothing left to be done except to pay the creditors, if any, and thereafter to dispose of the estate in accordance with the law; that the Wells Fargo Bank as domiciliary executor named in the codicil and so appointed by the California Court and the University of Michigan as the residuary and principal beneficiary named in the will and codicils of Rosina, nominated Vito Cruz for administrator; that Vito Cruz as such nominee should be preferred since he is qualified (*Johannes v. Harvey*, 43 Phil. 117, 179); that Vito Cruz is named as a beneficiary of the amount of P10,000.00 in the memorandum of Julian to Rosina, very much greater than the sum of P500.00 allotted for oppositor-appellant, the smallest amount in the said memorandum (pp. 18-19, appellant's brief in L-29235); that the alleged former employees of the decedent who allegedly indorsed him are not named in Rosina's will and that their alleged interest in her estate must first be established before they can be legally allowed to intervene in the proceedings; that the University of Michigan as principal and residuary beneficiary, flatly rejected oppositor-appellant Macias' solicitation for its support in his bid to be appointed as ancillary administrator; and that appellant Macias violated his duty as previous counsel of Vito Cruz 'to maintain inviolate the confidence, and at every peril to himself, to preserve the secrets of his client x x x' (Sec. 20 [e], Rule 138 of the Revised Rules of Court, as well as Canon No. 6 of the Canons of Professional Ethics concerning his obligation 'to represent the client with undivided fidelity and not to divulge his secrets or confidences x x x') when appellant Macias, despite the adverse ruling of the court upon objection of counsel for Vito Cruz, insisted in testifying on matters which were privileged communications between him as lawyer and Vito Cruz as his former client, which obligation survives the termination of the lawyer-client relationship (pp. 124-129, ROA).

x xx x x x xx

Thus, there is no showing that respondent Judge Manuel Barcelona gravely abused his discretion in appointing respondent Ricardo Vito Cruz as ancillary administrator of Rosina's estate in Special Proceeding No. 63866.

x x x x x x x x

It should be stressed that Rosina's executor and the University of Michigan as the residuary beneficiary to whom he bulk of Rosina's estate shall eventually pertain, never questioned any of the actuations of respondent administrator Ricardo Vito Cruz in his administration of both the estates of Julian and Rosina nor the challenged orders of the respondent Judges granting partial distribution of the estates. Yet petitioner-appellant, riding on his claim to an insignificant amount of P500.00, has taken upon himself the officious duty of appearing to be the champion of the other beneficiaries, whose identities have not been ascertained as the former dependents of Rosina and her parents. This Court would not want to entertain the impression that petitioner-appellant would demean himself by regarding himself as a dependent of Rosina, simply because she once contracted his services as a lawyer to file ejectment cases in her behalf. The other members of the Philippine Bar would certainly not subscribe to appellant's position on this point." (49 SCRA at 101-104; Underscoring supplied)

Finally, in *Macias v. Uy Kim, et al.*, 45 SCRA 251 (1972), Justice Makasiar had occasion to rebuke complainant Macias once more on behalf of the Court:

"x x x The Court cannot ignore the proclivity or tendency of appellant herein to file several actions covering the same subject matter or seeking substantially identical relief, which is unduly burdening the courts. Coming from a neophyte, who is still unsure of himself in the practice of the law, the same may be regarded with some understanding. But considering appellant's ability and long experience at the bar, his filing identical suits for the same remedy is reprehensible and should merit rebuke." (45 SCRA at 264; Underscoring supplied)

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