

AMBROSIA SUMAÑGIL, ROSA SUMAÑGIL AND MARCELINA MENDOZA DELIZO, COMPLAINANTS, VS. ATTY. MARIANO SANTA ROMANA, RESPONDENT.*A.C. No. 25. October 25, 1949*

Ponente: MONTEMAYOR, J.

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The deceased Juana Ringor Vda. de Sumañgil had six children, namely, Ambrosia Sumañgil, Rosa Sumañgil, the late Antonia Sumañgil, the late Feliciana Sumañgil, Cirilo Sumañgil and the late Domingo Sumañgil. After her death, Cirilo Sumañgil, one of her children, presented in the Court of First Instance of Nueva Ecija a document purporting to be the last will of his mother Juana Ringor with a petition that it be probated (Exhibit A, dated August 24, 1936.)

The respondent Atty. Mariano Sta. Romana, representing Ambrosia Sumañgil, Rosa Sumañgil, Sofia Divina (daughter of Feliciana Sumañgil) and the heirs of Antonia Sumañgil, opposed the probate of the will, claiming that the document; presented purporting to be the last will of Juana Ringor was not executed by her, and that even if executed by her, it was procured through fraud and improper pressure and influence, and that at the time of its execution Juana Ringor was not of sound and disposing mind (Exhibit B, dated March 17, 1937). Due to this opposition, the lower court denied the petition for probate. Upon appeal to the Court of Appeals, where the respondent again represented the opponents to the probate of the will, the decision appealed from was affirmed on April 30, 1940. Thereafter, the testate proceedings in the lower court under civil case No. 7416 was converted into intestate proceedings under the same title and number.

The first administrator of the estate of Juana Ringor appointed by the court was Jose Sumañgil (son of Cirilo Sumañgil).

We shall mention and briefly describe in chronological order the different pleadings in the intestate proceedings, civil case No. 7416, necessary in the decision of the present Administrative Case No. 25 against respondent Atty. Mariano Sta. Romana.

(1) In a petition to change the special administrator (Jose Sumañgil), dated February 7, 1938, respondent, representing the opponents to the probate of the will, asked the court of Nueva Ecija that Jose Sumañgil be changed as administrator because he was the son of Cirilo Sumañgil whose interest in the estate was adverse to that of respondent's clients (Exhibit 1). Thereafter, Ramon Locsin was appointed by the court to take the place of Jose Sumañgil as special administrator.

(2) On March 29, 1938, respondent in representation of special administrator Ramon Locsin asked the court to order the former administrator Jose Sumañgil to deliver to Locsin all the properties of the estate (Exhibit 4).

(3) On November 25, 1940, respondent Sta. Romana claiming to represent all the heirs of the estate, filed a petition in court asking that special administrator Ramon Locsin be relieved and that in his place Paulino

Mendoza be appointed (Exhibit 5). Acting upon said petition, Paulino Mendoza was appointed administrator in place of Ramon Locsin.

(4) On March 10, 1943, Ambrosia Sumaňgil, Rosa Sumaňgil, and Marcelina Mendoza (one of the heirs of Antonia Sumaňgil) thru Atty. Severo O. Pascual filed in court a written objection to the two reports and accounts of administrator Paulino Mendoza dated August 5, 1941 and January 5, 1943, not only on the ground that his administration had been irregular but that some of the money and products of the estate that came into his possession as administrator had not been properly disbursed and accounted for (Exhibit 8).

(5) On August 26, 1943, the heirs of Juana Ringor subscribed and filed in court an agreement (Exhibit H) as to who were the real heirs of Juana Ringor and their issue, and the amount and manner of receiving the share of each. Paragraph 6 of the agreement reads as follows:

"6. That the heir Cirilo Sumaňgil and the heirs of the heir Domingo Sumaňgil bind themselves to pay to the other heirs, thru Atty. Mariano Santa Romana, within 60 days from today, their share in the expenses incurred in defeating the alleged will of the deceased Juana Ringor in the amount of P400 per stirpe."

Eight heirs signed said agreement. Respondent Sta. Romana signed as attorney for all other heirs.

(6) On April 18, 1947, Atty. Vicente Llanes representing all the heirs of Juana Ringor with the exception of Cirilo Sumaňgil and Sofia Divina, filed a petition in court stating that the sum which Cirilo Sumaňgil and the heirs of Domingo Sumaňgil were supposed to pay the other heirs at the rate of P400 per stirpe had not yet been paid; that in the hands of administrator Paulino Mendoza were found jewelry, personal property, carabaos, the sum of P2,500 and the rents corresponding to the period from 1942 to 1945 at the rate of 1,000 cavans of palay each year, which had not yet been partitioned; and asking that said administrator be ordered to present a project of partition, and to file an account of the 1,000 cavans of palay which he had received each year since 1942 to 1945; and that Cirilo Sumaňgil and the heirs of Domingo Sumaňgil be ordered to pay P400 per stirpe to the other heirs of Juana Ringor (Exhibit T).

(7) On July 21, 1947, the same Atty. Vicente Llanes, representing Ambrosia Sumaňgil, Rosa Sumaňgil, and Marcelina Mendoza (one of the heirs of Antonia Sumaňgil), filed a long pleading in court (Exhibit 1) asking among other things, that administrator Paulino Mendoza be ordered to deliver to each heir the certificates or documents of the lands and animals corresponding to each as a result of the partition approved by the Court; that said administrator produce in court all the jewelry in his possession belonging to the estate; that paragraph 6 of the agreement of the parties already reproduced be complied with by Cirilo Sumaňgil and the heirs of Domingo Sumaňgil; that all the reports and accounts of Jose Sumaňgil dated February 15, 1937 and March 31, 1938, and of administrator Ramon Locsin dated January 6, 1941 and amended on January 27, 1941, and the three accounts of administrator Paulino Mendoza dated August 6, 1941, January 20, 1943 and May 10, 1947, be disapproved. The grounds for opposing the approval of the accounts of the three administrators are that the products received by them have not been duly and wholly accounted for; that the expenses said to have been incurred were not justified, or were imaginary; that the fees charged by them were not justified or were not due; and that in the case of administrator Mendoza, it was not true as claimed in his report that some of the palay in his possession had been taken by the guerrillas. This pleading was later amended by another, Exhibit M, dated September 24, 1947, by Attorney Llanes.

When this last petition was called for hearing, respondent Santa Romana appeared for Cirilo Sumaňgil, Sofia Divina, the heirs of Domingo Sumaňgil and administrators Jose Sumaňgil and Paulino Mendoza. The clients of Atty. Vicente Llanes objected to respondent's appearance on the ground that he could not very well abandon them (his former clients) and go to the other side and represent parties with interests opposed to their own. Despite this

opposition, respondent insisted and continued in representing those parties already mentioned. As a matter of fact, on September 17, 1947, respondent in representation of the administrators filed a motion to quash proceedings regarding accounts (Exhibit L-1) which we shall identify as pleading (8) for reference, stating and contending that "the petitioners in their motions dated on April 18, 1947, and on July 21, 1947, oppose the previous accounts of all the three administrators and ask that they be paid 1,000 cavans at P30, per cavan annually. Even admitting that the allegations of their motions were true yet it is clear that those obligations were incurred by the administrators before the liberation. All these obligations, therefore, are within the Moratorium Orders which prohibit the collection of all monetary obligations contracted before the American Liberation. To continue the hearing or consideration of all the motions of the petitioners would only be a useless work on part of the Court and of all parties." He therefore asked that those petitions be quashed.

Because of the action of respondent in representing parties whose interests are said to be opposed to those of his former clients, namely, those who opposed the probate of the will, these former clients, Ambrosia Sumañgil, Rosa Sumañgil, and Marcelina Mendoza have now filed with this Court a complaint against him for malpractice and gross unprofessional conduct. The complaint was referred to the Solicitor General for investigation, said official in turn, indorsed the case to the Provincial Fiscal of Nueva Ecija, who conducted an investigation at which investigation the complainants and the respondent appeared and presented evidence. On the basis of said evidence the Solicitor General has filed a regular complaint charging that respondent's conduct in relation to intestate proceedings No. 7416 of the Court of First Instance of Nueva Ecija, constituted malpractice and gross unprofessional conduct and asking that proper disciplinary action be taken against him.

Respondent answered the complaint, and the case was set for hearing before this Court at which hearing, a representative of the Solicitor General and the respondent himself appeared and argued the case.

In going over the record of intestate proceedings No. 7416, particularly the pleadings which we have numbered for purposes of reference, especially those filed by the respondent, one cannot help but get the impression that respondent had indiscriminately represented parties and heirs in that case in complete disregard of their adverse and conflicting interests. For instance, in pleading (1), acting as attorney for the opponents to the probate of the will, which opponents are now the complainants in this administrative case, he asked the court to change Jose Sumañgil as administrator presumably because the interests of his clients were opposed to that of the administrator, Jose Sumañgil. Now, in the very same case No. 7416, respondent is representing Jose Sumañgil as administrator.

Again, when Cirilo Sumañgil petitioned the court for the probate of the supposed will of Juana Ringor, his interests as such petitioner were obviously diametrically opposed to those of the complainants herein who opposed the petition, and who were then represented by respondent. In the appeal to the Court of Appeals from the order denying Cirilo's petition for probate, Cirilo was named and listed as the appellant, and the complainants as appellees. In fact, this adverse interest of Cirilo Sumañgil was alleged by respondent himself in pleading (1) while representing the complainants herein. Now, in the same case, respondent is representing said Cirilo Sumañgil.

In pleading (2), respondent represented Ramon Locsin, the second administrator. The interests of the said administrator are adverse to those of the complainants herein, respondent's former clients. In fact, said complainants and former clients of respondent are now firmly opposing the approval of the accounts of Ramon Locsin. (See pleading No. 7.)

It will be remembered that according to paragraph 6 of the agreement of the parties in which respondent himself participated by signing it, Cirilo Sumañgil and the heirs of Domingo Sumañgil were to pay P400 to the other heirs

at the rate of P400 per stirpe. She complainants Ambrosia Sumañgil, Rosa Sumañgil, each representing one stirpe and Marcelina Mendoza representing 1/5 of an stirpe complain that they have not yet received the amount corresponding to them as per said agreement; and yet respondent is representing the very parties from whom the amount is expected to be paid. The conflict of interests in this case is obvious.

It will be noticed from pleading (3) that in asking the court that special administrator Ramon Locsin be relieved and that in his place Paulino Mendoza be appointed, respondent claimed to be representing all the heirs of the estate. In other words, he was, in said pleading, representing not only complainants herein, the opponents to the probate of the will, but Cirilo Sumañgil himself who was petitioner for the probate of the said will, as well as the heirs of Domingo Sumañgil who under the agreement of the parties were under obligation to pay the other heirs P400 per stirpe. As already stated, the complainants claim that neither Cirilo Sumañgil nor the heirs of Domingo Sumañgil have paid this amount.

Finally, we should consider the objection of complainants to the approval of the different reports and accounts of the administrators, Jose Sumañgil, Ramon Locsin and Paulino Mendoza. These objections are serious and even involve or affect the character and the honesty of the said administrators. The accounts involve considerable amounts of money, palay, cattle, and jewelry said to have been unaccounted for, including disbursements for expenses and fees said to be wholly unjustified. And yet respondent is representing the administrators who are seeking to have their reports and accounts approved by the court over the serious objection of the complainants herein, his former clients in the same case. This conflict of interests came to a climax when respondent, representing the administrators, in opposing the petitions of his former clients for a clear and valid accounting on the part of the administrators, filed a motion (8) seeking to quash said petition on the basis of the moratorium law. Here, one cannot help but see and realize that respondent is working against the interests of his former clients in the very case in which he had represented them. No wonder that during the investigation conducted by the Provincial Fiscal, one of the complainants, Ambrosia Sumañgil, an old woman about 70 years of age, while on the witness stand, frankly expressed her keen disillusionment at the actuations of respondent Santa Romana and with some bitterness accused him of abandoning his former clients and going over to the other side, and championing the cause of their former court adversaries.

We believe and find that the conduct of the respondent has been highly improper and violates the rules observed by the legal profession. He represented and served parties whose interests were in conflict with those of his former clients, not only without the consent of said former clients but over their strenuous and valid objection.

In *San Jose vs. Cruz*, 57 Phil., 794, a case somewhat similar to the present, and in which the Supreme Court condemned the conduct of the respondent attorney therein for representing a new client whose interests were opposed to those of his former client, this Tribunal said:

"An attorney owes loyalty to his client not only in the case in which he has represented him but also after the relation of attorney and client has terminated and it is not a good practice to permit him afterwards to defend in another case other persons against his former client under the pretext that the case is distinct from, and independent of the former case."

The Court cited with favor the following paragraph found in Malcolm's book on Legal Ethics:

"An attorney is not permitted, in serving a new client as against a former one, to do anything which will injuriously affect the former client in any manner in which the attorney formerly represented him, though the relation of attorney and client has terminated, and the new employment is in a different case; nor can the attorney use against his former client any knowledge or information gained through their former connection. (Malcolm on Legal Ethics, p. 143.)"

In the case of San Jose vs. Cruz just cited, the attorney therein represented the new client in a new case and yet his conduct was condemned by the court and he was reprimanded. In the present case, respondent Santa Romana represented the new clients in the very same case where he formerly represented the complainants. The unethical conduct in this case is, consequently, more serious and more manifest.

The fact alleged by respondent in his defense that his present clients, including some of the heirs of Juana Ringor insist in his representing them in court and that they do not want to have any other attorney, as stated by the court of Nueva Ecija in its order of November 20, 1947 (Annex A), does not and cannot excuse the respondent. The insistence of a new client to be represented by an attorney cannot in any manner justify said attorney in violating the rules and traditions of the legal profession.

The only possible mitigation of the seriousness of the unethical conduct of the respondent is that he may not have been fully aware of or conversant with the canons of legal ethics. He seems to have forgotten that although his professional relations with the present complainants had ended, still he owed loyalty to them. He possibly believed tho wrongly, that after succeeding in opposing the probate of the will for his former clients and because of the trouble and disagreement that ensued among the heirs, he could represent some of them, and in some manner serve the interests of all of them, including his former clients, by seeking the approval of the reports and accounts of the three administrators, thus closing and ending the intestate proceedings, inasmuch as the project of partition had already been approved. In view of this, instead of taking a more stern measure against the respondent, we believe that a reprimand and a warning would be sufficient disciplinary action. Respondent is hereby reprimanded, and he is warned that a repetition of the unprofessional conduct of which he is found guilty will be dealt with more severely.

He is directed to withdraw his appearance for his present clients, particularly the administrators, and not to render professional services, directly or indirectly to any party whose interests conflict with those of his former clients, especially, the complainants herein.

Ozaeta, Paras, Feria, Bengzon, Padilla, Tuason, Reyes, and Torres, JJ., concur.

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