

LEANDRO AYROSO, COMPLAINANT, VS. ATTORNEY ARSENIO R. REYES, RESPONDENT.

A.C. No. 2545. July 06, 1988

Ponente: GRIÑO-AQUINO. J.

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GRÍÑO-AQUINO. J.

On June 3, 1983, Leandro Ayroso of Gapan, Nueva Ecija, filed a Sinumpaang Salaysay charging Attorney Arsenio Reyes of having violated his lawyer's oath by instigating the filing of the following groundless suits against him (Ayroso):

1. A charge of perjury (Crim. Case No. 2703 of the Court of First Instance of Nueva Ecija, Branch II entitled, "People of the Philippines vs. Leandro Ayroso") filed against him by Gaudencio Ayroso, Maximo Manalo, Ernesto Manalo and Moises Manalo, clients of Attorney Reyes, for allegedly having made a false certification or affidavit that the land which he purchased from Manuel Ayroso was not tenanted when in fact it was. On June 21, 1982, the trial court acquitted him of the charge (Annex A).
2. A charge of "Malicious Mischief" (Crim. Case No. 5528 of the Municipal Court of Gapan) filed against him by Gaudencio Ayroso, Ernesto Manalo, Maximo Manalo and Moises Manalo for having allegedly destroyed the dikes of their ricefields (Annex B). He was convicted by the Municipal Court, but on appeal to the Court of First Instance (Crim. Case No. 1347) he was acquitted on January 14, 1983 (Annex C).
3. A civil case, No. 1260, filed in the Court of First Instance at Gapan on July 24, 1979 by Gaudencio Ayroso to recover Lot H-6 which the herein complainant had purchased from Victor Ayroso (Annexes D and E).
4. A criminal charge of Falsification of Public Document filed by Gaudencio Ayroso against the complainant Leandro Ayroso (Annex F).
5. Another charge of Malicious Mischief (Crim. Case No. 152-81, Municipal Court of Gapan) filed on June 24, 1981 by Ernesto Manalo against the complainant for having allegedly caused the destruction of the ricefield dike of Ernesto Manalo (Annex G). The case was dismissed by the Municipal Court on November 17, 1981 (Annex H).
6. A third charge of Malicious Mischief (Crim. Case No. 2182, Municipal Court of Gapan) filed on January 22, 1982 against the complainant who was acquitted by the Court of First Instance.
7. A charge of Kidnapping and Illegal Detention (Crim. Case No. 2162) filed against the complainant which the court dismissed and in lieu thereof a charge of Grave Coercion was filed against complainant who was acquitted (Annex J).
8. A charge of Malicious Mischief (Crim. Case No. 220-82, Municipal Court of Gapan) filed on September 23, 1982 against the complainant by Moises Manalo for allegedly having destroyed the ricefield dike of Moises Manalo (Annex K).

9. A charge of Falsification (I.S. No. 1-83-55) filed against complainant's brothers, Emeterio, Aurelio, and Gregorio, all surnamed Ayroso, by Gaudencio Ayroso on January 12, 1983, in the Office of the City Fiscal of Cabanatuan City (Annex L).

It may be gleaned from the respondent's answer to the complaint that the complainant and the respondent are not strangers to each other. They grew up in the same town of Gapan, Nueva Ecija. The respondent has been the counsel of complainant's relatives in the numerous cases between them. Not without some basis, the respondent alleges that this administrative complaint against him is complainant's way or retaliating for the defeats which he had suffered in the following cases where the respondent was counsel for the adverse party.

1. Civil Case No. 999 of the Court of First Instance of Nueva Ecija, entitled "Leandro Ayroso, et. al. vs. Edilberto Garcia," for partition and damages, which Leandro himself dismissed after the court ordered him to implead all the other co-owners.

2. The libel charge filed by complainant against his uncle Gaudencio Ayroso on June 7, 1978, which was dismissed by the fiscal on May 24, 1979.

3. The complaint filed by Ernesto Manalo against Leandro Ayroso before the MAR, Region HI, Nueva Ecija, where Leandro was ordered to recognize Manalo as tiller of the land and to respect his possession thereof.

4. The charge of arson filed by complainant against Gaudencio Ayroso, Moises Manalo, Maximo Manalo, Ernesto Manalo, Feliciano Alfaro, Antonio Alfaro, and Rogelio Ayroso (Crim. Case No. CCC-IV-55 [81] Nueva Ecija) where the accused were acquitted (Annex 14).

5. The robbery case (Crim. Case No. 183-80) filed by complainant on July 3, 1980, against Gaudencio Ayroso, Ernesto Manalo, Maximo Manalo, Moises Manalo, Feliciano Alfaro, and Antonio Alfaro, which was dismissed by the Municipal Court of Gapan (Annex 16).

The Court referred the complaint to the Solicitor General for investigation, report, and recommendation.

On May 17, 1988, the Solicitor General submitted his report and recommendation.

After a careful examination of the records, We agree with the finding of the Solicitor General that "there is no evidence directly substantiating complainant's accusation that respondent 'instigated or induced the filing of the criminal cases and civil cases mentioned' in the complaint. The complainant's allegation that Attorney Reyes 'instigated' the filing of the cases against him is merely his inference arising from the fact that Attorney Reyes was the counsel of the adverse parties in those cases. In his own words: "My complaint is that Atty. Reyes is the counsel of the complainant in all the cases filed against me." (pp. 141, 152, t.s.n., June 27, 1984.)

As observed by the Solicitor General in his report, "The respondent's appearance as adverse counsel in all these cases xxx does not mean that he instigated or induced their filing." We may add that neither did the dismissal of some of the cases mean that they were completely groundless and frivolous because they could have been dismissed for some other reason.

WHEREFORE, the complaint against respondent Attorney Arsenio R. Reyes is dismissed for lack of merit,

SO ORDERED.

Narvasa, Cruz, Gancayco, and Medialdea, JJ., concur.

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