

CRISTINA A. ARIENDA, COMPLAINANT, VS. ATTY. PORFIRIO AGUILA, RESPONDENT.

A.C. NO. 5637. April 12, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is an administrative case for disbarment filed by complainant Cristina A. Arienda against respondent Atty. Porfirio Aguila. Complainant, in her Affidavit of Complaint[1] dated 01 March 2002, charges respondent with deceit, misconduct, and use of a falsified public document.

Herein complainant, Cristina A. Arienda, filed a Petition for Letters of Administration entitled, "Intestate Estate of the late Ernesto Arienda" (father of complainant), before the Regional Trial Court (RTC), Branch 72, Olongapo City, docketed as Sp. Proc. No. 80-0-2000.

Elisa Menes-Arienda, a common-law wife of the decedent,[2] opposed the Petition for Letters of Administration. Elisa is represented by Atty. Porfirio Aguila, herein respondent.[3]

The specific allegations of the Affidavit of Complaint in support of the accusations are as follows:

- That Atty. Porfirio Aguila has made the settlement of the decedent's estate complicated by filing the opposition to the letter of administration.[4]
- That Atty. Aguila favors "the mistress" of the decedent instead of being "in between the three (3) parties." [5]
- That Atty. Aguila used a falsified marriage contract with his client Elisa Menes. [6]
- That the statements in the opposition are "all lies." [7]
- Atty. Aguila lied in his Motion for Substitution as to the existence and rights of Cristina Arienda, complainant herein. [8]

In answer to these allegations, respondent submitted with this Court his Comment,[9] wherein he refuted all the charges against him. Respondent disputed that he was guilty of deceit, misconduct, or using a falsified public document. Specifically, he denied that he complicated the petition for letters of administration filed by herein complainant Cristina Arienda. He added that there was no reason for him to complicate the petition when he only assisted Elisa Menes-Arienda as her counsel. The filing of the Opposition, according to him, was done to protect her interest and the rights of her daughter over the estate of the decedent.[10] The respondent vehemently denied having submitted a falsified marriage contract for his client Elisa. He explained that he acted in good faith and without malice when the marriage contract between the decedent and Elisa Menes-Arienda was attached to the verified opposition to the complainant's petition for letters of administration. In her Verified Opposition, Elisa did not assert the legitimacy of her relationship/cohabitation with the decedent as she merely alleged that she was made to believe by the latter that he was single when they got married and were blessed with a daughter, named Ernessa Arienda, respondent clarified.[11]

We referred the matter to the Integrated Bar of the Philippines (Ibp) for investigation. Both parties presented their respective evidence before the Commission on Bar Discipline of the Ibp. The investigating officer, Commissioner Dennis B. Funa, required both parties to file their own memoranda. The Commissioner made the following findings and recommendation:

It is clearly shown that herein Respondent, Atty. Porfirio Aguila, is the legal counsel of Elisa Menes. As such, Atty. Aguila would have every right to take every legal action in the interest of his client. In this case, filing an opposition to the Petition filed by Cristina Arienda would be in the interest of Atty. Aguila's client. And, rightly, Atty. Aguila should "favor" his client.

With respect to the allegation as to the falsity of the marriage contract between the decedent and Atty. Aguila's client, Elisa Menes, we wish to make three points: Firstly, such falsity would first have to be determined and established in the appropriate proceeding. Perhaps that proceeding is the Special Proceedings Case, now still pending. Secondly, such marriage contract would have to have been introduced into evidence. And only the trial court, where the matter is now pending, can say that the evidence has indeed been already introduced. Thirdly, knowledge of the falsity of the evidence is an indispensable element of this offense. And such knowledge has not been claimed, alleged or proven.

With respect to the alleged "lies" introduced by Atty. Aguila before the RTC of Olongapo City, it is the judge in that trial court who has the immediate jurisdiction to evaluate the veracity of the claims and evidences presented before him. The judge had found no such findings of "lies" therein. Moreover, it appears that all these things are still pending before the judge. This Commission cannot attempt to supersede a judge's findings in a trial that he is presently hearing.

PREMISES CONSIDERED, it is submitted that respondent did not commit any act for which he should be disciplined or administratively sanctioned.

It is therefore recommended that this CASE BE DISMISSED for lack of merit.[12]

On 14 December 2002, the IBP Board of Governors passed a Resolution DISMISSING the Complaint based on the Report and Recommendation of Commissioner Funa. The parties were furnished a copy of the IBP Resolution. On 21 February 2003, the complainant sought reconsideration[13] of the resolution of the IBP with this Court, which was opposed by respondent.[14]

The sole issue raised in this case is whether or not respondent should be disbarred on the ground of deceit, misconduct, and use of falsified public document. We rule in the negative.

From the record and evidence before us, we agree in the Commissioner's conclusion that respondent cannot be found guilty of the charges against him. It is clearly shown that herein respondent, Atty. Porfirio Aguila, is the legal counsel of Elisa Menes-Arienda. As such, Atty. Aguila, as his client's advocate has the right, nay, the duty, to file an opposition to the petition for letters of administration filed by complainant in order to safeguard his client's interest.

With respect to the alleged use of falsified document, particularly the attachment of the marriage contract between the decedent and respondent's client in the Opposition she filed to complainant's petition, we find no compelling reason to deflect from the findings of the IBP Commissioner that complainant has likewise failed to substantiate such naked claim. A study of the document on which the complaint is anchored shows that the photocopy is not a certified true copy. Neither was it testified on by any witness who is in a position to establish the authenticity of the document. Moreover, whether or not the marriage contract was falsified is a matter within the appreciation of the trial judge in the special proceeding case in which the subject document was adduced in evidence. Finally, respondent has adequately explained in his Comment that said document was submitted merely to prove his

client's contention that the decedent represented himself to be single and that believing that the latter was single, she contracted marriage with him, which union produced an offspring in the person of her daughter, Ernessa Arienda.

Further, we find that apart from the allegations she made in various pleadings, complainant has not proffered any proof tending to show that respondent deliberately applied deceitful means to warrant any administrative sanction. It is one thing to allege deceit, misconduct, and another to demonstrate by evidence the specific acts constituting the same. In disbarment proceedings, the burden of proof is upon the complainant and this Court will exercise its disciplinary power only if the former establishes its case by clear, convincing, and satisfactory evidence.[15] In this regard, we find that complainant failed to meet the required standard. Thus, absent a showing of clear preponderant evidence to sustain the charge against respondent, the complaint must be dismissed.[16]

We are not unmindful of the principle that disciplinary proceedings against lawyers are sui generis, in that they are neither civil nor criminal actions but rather investigations by the Court into the conduct of its officers.[17] However, although these proceedings are not, in the strict sense, ordinary actions where trials are held and the rules of procedure apply, the rules on evidence cannot be shunted aside considering that the exercise of one's profession is at stake.[18]

WHEREFORE, the disbarment complaint against respondent Atty. Porfirio Aguila is hereby DISMISSED for lack of merit. Complainant's motion for reconsideration of the resolution of the Integrated Bar of the Philippines dismissing her complaint against respondent Atty. Porfirio Aguila is likewise DENIED for lack of merit.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, pp. 1-4.

[1] Rollo, pp. 1-4.

[2] Rollo, p. 233.

[3] Rollo, p. 210.

[4] Par. 11, Complaint. Rollo, p. 2.

[5] Par. 12, Complaint. Rollo, p. 2.

[6] Par. 13, Complaint. Rollo, p. 2.

[7] Par. 14, Complaint. Rollo, p. 2.

[8] Par. 17, Complaint. Rollo, p. 2.

[9] Rollo, pp. 73-86.

[10] Rollo, p. 75.

[11] Rollo, p. 78.

[12] Rollo, pp. 211-212.

[13] Rollo, pp. 214-221.

[14] Rollo, pp. 260-269.

[15] *Urban Bank, Inc. v. Peña*, A.C. No. 4863, 7 September 2001, 364 SCRA 597, citing *Narag v. Narag*, A.C. No. 3405, 29 June 1998, 291 SCRA 451.

[16] *Gatchalian Promotions Talents Pool, Inc. v. Naldoza*, A.C. No. 4017, 29 September 1999, 315 SCRA 407.

[17] *Esquivias v. Court of Appeals*, G.R. No. 119714, 29 May 1997, 272 SCRA 803.

[18] *Concepcion v. Fandiño, Jr.*, A.C. No. 3677, 21 June 2000, 334 SCRA 137.

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