

BENJAMIN BAYOT, COMPLAINANT, VS. ATTY. JESUS R. BLANCA, RESPONDENT.*A.C. No. 775. July 31, 1975*

Ponente: FERNANDO, J.

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The basis of this charge for malpractice was that respondent Jesus Blanca, a member of the Philippine Bar, prepared a deed of sale of 15 hectares of land in Tigbao, Milagros, Masbate from the heirs of one Mariano Alba, acting through a certain Vivencio Cabug in favor of complainant Benjamin Bayot, who because of his confidence in respondent did not bother to read the document, and, to his surprise discovered that the price which he paid was stated to be in the amount of P4,000.00, instead of the actual sum of P5,000.00 and that, moreover, the transaction was made to appear to be one of sale with the right of repurchase, when what was agreed upon was an absolute sale: It was also alleged that the same 15-hectare lot was included in a sale of a bigger parcel of 362 hectares sold to respondent Blanca, who thereafter prevented him from taking physical possession of what was purchased by him.

There was an exhaustive answer of nineteen pages, the tone of outraged innocence being evident in the vigor and vehemence with which the allegations of complainant were denied by respondent. Moreover, the imputation of a political motivation that prompted the complaint was therein set forth. Thus: "That, it must be noted further, that the respondent is at present a candidate for Board Member of Masbate. Benjamin Bayot is a Nacionalista, belonging to a big and powerful family in Masbate. He is the nephew of Ex-Representative Pio V. Corpus who was the political kingpin of Masbate before the War. His relatives are very rich and powerful. With this alone as the background, respondent, a small-town politician who is just starting his young political career, and an active practicing lawyer in Masbate, would have first thought one million times to commit a scandal such as the one falsely alluded to by the complainant before running for a public office, knowing as he does that this will certainly be used against him." [1]

In a resolution of September 12, 1968, this administrative complaint was referred to the Solicitor General for investigation, report and recommendation. Subsequently, on February 22, 1973, there was a motion to dismiss filed by respondent. It was therein set forth: "That the above-entitled case was filed sometime last 1967; That the above-entitled case was referred to the Office of the Solicitor General for investigation, but for three (3) times that the said case has been set for investigation, the complainant despite due notice, never appeared; That for three (3) times that said case was set for investigation in the Office of the Solicitor General in Manila, the undersigned who was then practicing in the province of Masbate [had] to come to Manila for such investigation, but the complainant never appeared, thus, incurring unnecessary expenses; That the above-entitled case was a mere political harrassment as a result of the local election in 1967, because the undersigned, aside from being the Provincial Chairman of the Liberal Party in the Province of Masbate, was also a candidate for the Office of Board Member in Masbate during said local election; thus [explaining] the non-appearance of the complainant during the investigation of this case who was only used as an instrument in this case for political harrassment; That this is

not the only occasion wherein the undersigned has been the victim of vicious harrassments, in 1957, immediately when he became a lawyer, a case of disbarment [having been] filed against him when he fought powerful politicians in the province, but only to be dismissed by this Honorable Supreme Court later on; That, again in 1965, a second case for disbarment was filed against him instigated also by his political enemies, only to be dismissed by this Honorable Supreme Court later on; and this is the third disbarment case instigated by his political enemies but who, during the investigation, were not brave enough to face the respondent; ***. That the unreasonable pendency of the above-entitled case ***. has caused the undersigned untold anxieties and mental tortures, although this case is absolutely unfounded and without any legal and factual basis." [2] This Court then, in a resolution of February 27, 1973, referred such motion to the Solicitor General in view of the matter having been previously forwarded to him for investigation, report and recommendation. On April 23, 1975, such report and recommendation was submitted to this Court.

Solicitor General Estelito P. Mendoza took pains in such Report to discuss in detail the background of the administrative complaint. Thereafter he noted: "On November 20, 1968, Assistant Solicitor General Frine C. Zaballero notified the complainant Benjamin Bayot and the respondent Atty. Jesus R. Blanca for the hearing of this case on February 19 and 21, 1969, in the Office of the Solicitor General at 2:00 o'clock in the afternoon. Respondent appeared, but the complainant failed [to appear] despite due notice. Because of the failure of the complainant to appear during the investigation, respondent manifested his willingness to continue with the hearing and even offered to present his evidence ex-parte. However, the investigating officer declined and suggested to the respondent to file his written motion instead, and he did file a Motion to Dismiss dated April 10, 1969. [It was referred for comment to complainant]. He did not file any responsive pleading or motion to set this case for hearing." [3] Mention was next made of the motion to dismiss filed directly with this Court by respondent and the action taken by the Solicitor General, namely, setting the case for hearing on September 10, 1973 at 9:00 o'clock in the morning. What happened next was discussed thus in such Report: "Respondent appeared, but again, the complainant failed to appear. The subpoena dated August 1, 1973 for the complainant was sent to him by registered mail in Masbate, Masbate at his given address, on the same date that the subpoena for the respondent was also sent at the latter's original address in Masbate, Masbate. Although the respondent [had] move to his present office at Suites 431 and 434 Madrigal Building, Escolta, Manila, three (3) years ago, he received his subpoena, and in fact, appeared before the undersigned Solicitor. During the hearing on September 10, 1973, respondent insisted for an early and immediate termination of this case and even offered evidence in support of his defense, although the complainant [had] not appeared. He insisted that his case against him was purely political in nature, intended to harrass him, ***. Respondent presented in support of his allegation a copy of the Order of the Court of First Instance of Masbate, Branch I, showing that the two (2) criminal cases for estafa which the complainant filed against him were dismissed. ****" [4]

A judicious appraisal of the situation is apparent from this portion of the report: "The two (2) criminal cases for estafa which the complainant filed against the respondent in the Court of First Instance of Masbate are the same cases of estafa upon which the complainant based his complaint for disbarment before the Supreme Court. Respondent claims that these cases are without basis, the same being the product of political harrassment and persecution launched against him by his political enemies in 1967 during the local election in Masbate where he was a candidate of the Liberal Party for the Office of Board Member of Masbate, he himself being then the Provincial Chairman of the Liberal Party in said province ***. Vivencio Cabug, in his Affidavit, *** stated that he was the one who received the amount of P1,000.00 from the complainant, Benjamin Bayot, as payment for the parcel of land which he sold to him, and that the respondent did not have anything to do with it. The only participation which the respondent had in the transaction between the complainant and Vivencio Cabug was to help them in the preparation of the document and to notarize the same. This was corroborated by the Affidavit of

Alberto Cabug..., where the latter also stated that he was present, and as a matter of fact, acted as a witness, when Vivencio Cabug received the amount of P1,000.00 from Benjamin Bayot." [5] Further: "There is truth and merit to the respondent's claim. Respondent's defense is supported by the affidavits of Vivencio Cabug and Alberto Cabug. As a matter of fact, the very same document (Provisional Receipt of P1,000.00 dated April 6, 1961) which was made the basis of this complaint, shows clearly the falsity and utter lack of merit of this complaint. The conduct of the complainant in this case, who failed to appear when subpoenaed [in 1969 and again in 1973] clearly indicates his lack of interest in this case. Exhibit '1', which is the Order of the Court of First Instance of Masbate, Branch I, also shows that the two (2) criminal cases for estafa which he (Benjamin Bayot) filed against the respondent was dismissed on the ground of lack of interest of said complainant, who, like in this administrative case, repeatedly failed to appear before the Court during the trial of said case. Moreover, from the evidence presented by the respondent, it necessarily follows that this disbarment case filed by Benjamin Bayot before the Supreme Court against Atty. Jesus R. Blanca is without basis." [6]

The recommendation is for the dismissal of the administrative complaint for lack of merit. We are in agreement. For nothing can be clearer than that respondent Jesus Blanca, instead of being an offender against ethical norms, is himself the victim of condemnable machinations to besmirch his honor and reputation. There is relevance to this excerpt from *Albano v. Coloma*: [7] "As Cardozo aptly observed: 'Reputation [in the legal profession] is a plant of tender growth, and its bloom, once lost, is not easily restored.' This Court, certainly, is not averse to having such a risk minimized. Where, as in this case, the good name of counsel was traduced by an accusation made in reckless disregard of the truth, ***, the severest censure is called for." [8] It is the height of irresponsibility, and that is rather a mild way of putting it, on the part of complainant to lend himself to such dirty tactics all in the interest of partisanship. It is understandable then why notwithstanding the essential, if not indispensable, character of elections as an element of republicanism, there seems to be apparent unconcern and apathy on the part of many of our citizens for the present state of affairs. For a great number of them, politics had been identified with dishonesty and deceit. Moreover, if there is truth to the imputation that complainant belongs to the affluent class, then it is equally understandable why democratic capitalism has gone down in esteem due to the deplorable and nefarious actuations identified with the possession of wealth. Complainant, in the language of a recent resolution, *Azor v. Beltran*, [9] "would utilize what appeared to be a dominant economic position in the community to make things difficult for respondent. Such an actuation, meriting disapproval then, is even more reprehensible now under the temper of the present dispensation that seeks to do away with every vestige of malodorous practices indulged in by the rich and the powerful in the community." [10]

WHEREFORE, the charge against respondent Jesus R. Blanca is dismissed for lack of merit. Let a copy of this resolution be spread on his record.

Makalintal, C.J., Barredo, Aquino, and Concepcion, Jr., JJ., concur.

Antonio, J., is on official leave.

[1] Answer, par. VI.

[2] Motion to Dismiss, pars. I - VIII.

[3] Report and Recommendation, 7-8.

[4] *Ibid*, 9-10.

[5] *Ibid*, 12-13.

[6] Ibid, 13-14.

[7] Administrative Case No. 528, October 11, 1967, 21 SCRA 411.

[8] Ibid, 420.

[9] Administrative Case No. 1054, promulgated March 25, 1975.

[10] Ibid.

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