

FLORA NARIDO, COMPLAINANT, VS. ATTORNEY JAIME S. LINSANGAN, RESPONDENT.*A.C. No. 944. July 25, 1974*

Ponente: FERNANDO, J.

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The spectacle presented by two members of the bar engaged in bickering and recrimination is far from edifying, although it is understandable, if not justifiable, that at time zeal in the defense of one's client may be carried to the point of undue skepticism and doubt as to the motives of opposing counsel. Some such reflection is induced by these two administrative cases wherein respondents Jaime S. Linsangan and Rufino B. Risma, who represented adverse parties in a workmen's compensation case, did mutually hurl accusation at each other. The charge against respondent Linsangan filed by a certain Flora Narido is that he violated the attorney's oath by submitting a perjured statement. When required to answer, not only did he deny the complaint but he would also hold respondent Risma accountable for having instigated his client, the complainant, Flora Narido, to file a false and malicious complaint resulting in what respondent Linsangan called "embarrassment, humiliation and defamation" of a brother in a profession.

On September 9, 1971, this Court referred the above administrative cases to the Solicitor General for investigation, report and recommendation. Such report and recommendation was submitted on May 31 of this year.

1. Insofar as the first case against respondent Jaime S. Linsangan is concerned, the report contains the following: "In support of her complaint filed with this Honorable Court, complainant Narido heavily relies on the refusal of respondent Linsangan to withdraw — despite warning — the affidavit of Milagros M. Vergel de Dios x x x ., which affidavit Narido claims to be perjured. x x x Mrs. Narido and Atty. Risma threatened Atty. Linsangan with disbarment should he insist in offering the affidavit of Mrs. Vergel de Dios." [1] Nonetheless, such affidavit was filed. It was found as a fact that there was nothing improper in presenting such affidavit, its alleged falsity not being proven. Even if it were otherwise, still there was no showing of respondent having violated his attorney's oath for submitting a perjured affidavit. Thus the report continues: "With respect to the other allegations in the affidavit, suffice it to say that there is no evidence showing Atty. Linsangan's awareness of the falsity thereof, assuming arguendo that they are indeed false. As testified by Atty. Linsangan he has no intention whatsoever of misleading any court or judicial body, or of violating his attorney's oath." [2]

2. As for the charge against Attorney Risma, the report stated the following: "This administrative complaint stemmed from the belief of Atty. Linsangan that Atty. Risma 'by virtue of his financial interest in the Award,' instigated the filing of Administrative Case No. 944 'in order to accomplish a short cut in winning a case even by intimidation or unfounded threats, by depriving a party of due process and at the expense, embarrassment, humiliation, and defamation of his undersigned brother-respondent.' x x x It seems unkind to allude evil motive to Atty. Risma. It is perhaps more apt to state that Atty. Risma's missionary zeal to fight for the rights of his clients triggered him into filing Administrative Case No. 944. We should admire Atty. Risma's dedication in

championing the cause of the poor. Mrs. Narido, his client, is a destitute woman. She needed every centavo of the award. To her, any delay in the payment thereof meant grave injustice; it meant deprivation and starvation. Faced with the dilemma of his client, Atty. Risma had to rise to the challenge. In view of this, it is more in keeping with Christian precepts to say that it must have been the plight of Mrs. Narido — rather than his alleged financial interest — that compelled Atty. Risma to advise his client to file the case against Atty. Linsangan.... There being no direct evidence to show the alleged bad faith of Atty. Risma in advising his client to file Administrative Case No. 944 against Atty. Linsangan, the benefit of the doubt should be resolved in favor of Atty. Risma. Consequently, the charge of instigating the filing of 'disbarment proceedings against a brother attorney with improper motives and without just ground' necessarily fails." [3]

3. From the above, it was the recommendation that on such charges, both respondents should be exculpated. It being shown in the investigation, however, although it was not one of the charges in the counter-complaint filed against him that respondent Risma would seek to collect fifteen per cent of the recovery obtained by his client, contrary to the explicit provision in the Workmen's Compensation Act allowing only a maximum of ten per cent and that only where the case is appealed, there was likewise a recommendation for admonition or reprimand. The aptness of such penalty was predicated on the fact that respondent Risma had not received a single centavo from the client. Moreover, it was clear such contract for attorney's fees would not be enforced. In the meanwhile, he had been serving his poverty-stricken client faithfully and well, even advancing some of the necessary expenses. What was recommended commends itself for acceptance.

4. This further observation is not amiss. The two respondents would be well-advised to heed these words from Justice Laurel, announced in *Javier vs. Cornejo*: [4] "It should be observed, in this connection, that mutual bickerings and unjustifiable recriminations, between brother attorneys detract from the dignity of the legal profession and will not receive any sympathy from this court." [5]

5. One last word. The report submitted by the Solicitor General is characterized by thoroughness and diligence, but its quality would have been improved had there been on the part of the Solicitor concerned a more adequate grasp of notable opinions of this Court on legal ethics from Justice Malcolm on, thus obviating the need for reliance on secondary authorities, both Philippine and American.

WHEREFORE, the Complaint in Administrative Case No. 944 against respondent Jaime S. Linsangan is dismissed for lack of merit. Respondent Rufino B. Risma in Administrative Case No. 1025 is exculpated from the charge of having instigated the filing of an unfounded suit. He is, however, admonished to exercise greater care in ascertaining how much under our law he could recover by way of attorney's fees. The contract entered into between him and his client as to his being entitled to fifteen per cent of the award granted her in a workmen's compensation suit is declared to be of no force and effect, the penalty imposed being that of admonition merely only because he had made no effort to collect on the same and had even advanced expenses for a poor client. Let a copy of this resolution be spread on the records of both respondents.

Makalintal C.J., Zaldivar, Castro, Teehankee, Barredo, Makasiar, Antonio, Esguerra, Fernandez, Muñoz Palma, and Aquino, JJ., concur.

[1] Report 9-10.

[2] *Ibid*, 11.

[3] *Ibid*, 14-15.

[4] 63 Phil. 293 [1936].

[5] Ibid, 295.

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