

MATEO S. PECSON, COMPLAINANT, VS. ATTY. MACARIO A. MALUYA, RESPONDENT.

Adm. Case No. 748. October 23, 1973

Ponente: MAKALINTAL, Actg. C.J.

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MAKALINTAL, Actg. C.J.:

Respondent was admitted as member of the Philippine Bar on March 19, 1965, after passing the examinations given in 1964.

On January 9, 1967, Dr. Mateo S. Pecson, former Governor and Congressman of Masbate and former Director of the Bureau of Forestry, filed the instant complaint for respondent's disbarment and cancellation of his name from the Roll of Attorneys, charging him with:

(1)

making untruthful statements in his application for admission to take the Bar Examinations in the years 1962, 1963 and 1964, as well as when he took his oath as attorney after passing the examinations in 1964;

(2)

making untruthful statements in the information sheet he filed with the Bureau of Labor upon his employment in said office;

in both instances allegedly concealing the fact that there were two criminal cases for Slander filed against him in the courts of Masbate; and

(3)

violating his oath of office as attorney when he secured a police clearance from the municipality of Placer, Masbate, and not from the municipality of Cawayan, Masbate, wherein he admittedly resides and in whose Municipal Court he had been convicted by Municipal Judge Solomon J. Rivala of the two criminal cases for Grave Slander filed against him by Pecson.

Respondent, in his answer, denied making the false statements attributed to him, and averred that when he applied for admission to take the Bar examinations in the years 1962, 1963 and 1964, he stated in his application forms that he had not been accused of, indicted for or convicted by any court or tribunal of any offense involving moral turpitude, and that there was no pending case of that nature against him, since the offense of oral defamation charged in said criminal cases, although they were then pending, did not involve moral turpitude[1]. He likewise stated that in filling the information sheet he filed with the Bureau of Labor, he mentioned therein the fact that he

had been charged with Slander, even attaching a certified true copy of the order of the Court dismissing the charges[2]. With respect to the police clearance, respondent explained that he secured the same from Placer because he was practising his profession in said place, and that even if the criminal cases for Slander were pending at the time, the offenses charged did not involve moral turpitude and hence would not be a bar to his employment.

By resolution of this Court dated October 19, 1967, the charges were referred to the Solicitor General for investigation, report and recommendation[3]. At the hearing held on April 28, 1971 counsel for complainant manifested before the Investigating Officer that the complainant, Dr. Mateo Pecson, had expressed the desire to desist from prosecuting the complaint on the ground that, having left for America for hospitalization, he would not be in a position to substantiate the charges against respondent. On said manifestation, the case was deemed submitted.

WHEREFORE, considering that the complainant has desisted from prosecuting the complaint for disbarment, and that there are grounds to believe that the said complaint, as well as the charges of oral defamation filed in court and subsequently dismissed for lack of sufficient evidence, arose out of political differences between the parties, the instant complaint is hereby dismissed. As recommended by the Solicitor General, however, respondent is admonished to be more careful and candid in answering questions of the nature of those referred to herein, such as whether or not he had been charged with or convicted of a crime involving moral turpitude, since whether or not the offense of which he was charged involved moral turpitude was a question which had better be left for this Court to decide in connection with his application to take the Bar examinations.

Zaldivar, Ruiz Castro, Fernando, Teehankee, Makasiar, and Antonio, Esguerra, JJ., concur.
Barredo, J., in the result.

[1] Par. 3 of Answer, p. 31, Records - Adm. Cases.

[2] Par. 5, Answer, p. 32, Record.

[3] Page 36, Record.

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