

GERARDO GO BELTRAN, COMPLAINANT, VS. INOCENTES FERNANDEZ, RESPONDENT.

Adm. Case No. 747. June 27, 1940

Ponente: MORAN, J.

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MORAN, J.:

An action for malpractice.

On January 21, 1936, complainant herein, Gerardo Go Beltran, filed with this court a complaint for malpractice against respondent Inocentes Fernandez, a member of the Philippine Bar engaged in the practice of law in Talisayan, Oriental Misamis. The Solicitor-General, to which the case was referred for appropriate action, filed, after due investigation, the corresponding complaint, charging respondent with having purchased a property of his client involved in a pending litigation in which he appeared as counsel, and prayed that appropriate disciplinary action be taken against him. On November 30, 1939, the Court of First Instance of Oriental Misamis, to which the case was committed for investigation, submitted a report confirming in substance the charge and reiterating the recommendation of the Solicitor-General.

The evidence discloses that on or about June 13, 1928, one Honorio Pajaron, with his spouse Natividad Ypan, conveyed to the complainant Gerardo Go Beltran two parcels of land situated in Talisayan, Oriental Misamis and described in the deed of sale, Exhibit 3. A misunderstanding thereafter developed between the parties with respect to the identity of the parcels of land so conveyed—Beltran claiming that the properties sold to him included (besides lots A and B) lot C of the sketch attached to the record as Exhibit 9; Honorio Pajaron and Natividad Ypan claiming, on the other hand, that lot C was not a part thereof. As a consequence of their conflicting claims to lot C, a series of suits, civil and criminal (civil cases Nos. 4602 and 4608 and criminal cases Nos. 6585 and 6586, Justice of the Peace Court of Talisayan) were instituted by and between the parties to the deed, and, in all these suits, respondent Inocentes Fernandez appeared as counsel for the opponents of the complainant herein. On November 16, 1935, while criminal case No. 6586 aforementioned was pending appeal in the Court of First Instance of Oriental Misamis, respondent purchased from his client, Natividad Ypan, lot C in question.

Respondent claimed that the property purchased by him was not the one which constitutes the object of the series of litigations between the parties aforementioned. In the investigation, however, conducted by the provincial fiscal of Oriental Misamis, respondent made the following selfevident admission:

"Cross-examination by Mr. Tan:

"Q. The land involved in criminal case 6585 marked as Exhibit B-1 is the same land described in Exhibit E signed by you as attorney of Natividad Ypan?

"Respondent: Yes, the same land.

"Q. The land involved in criminal case 6604, Exhibit C is the same land involved in criminal case 6585 Exhibit B-1 and E?

"Respondent: Yes, the same land.

"Q. The land which you bought from Natividad Ypan Exhibit 1 is identical and the same land described in 2?

"Respondent: Yes, the same land.

"Q. And the land described in Exhibits 1 and 2 is the same land involved in your criminal complaint 6604, Exhibit C against Gerardo G. Beltran and others?

"Respondent : Yes, the same land.

"Q. So that you have now then the land involved in Criminal cases 6585, 6604 and 6587, Exhibit F-I and civil case 4608, Exhibit E are the same, which I have added Exhibit F-I for coercion?

"Respondent: Yes, they are the same land.

"Q. And this is the same land which you bought from Natividad Ypan described in Exhibits 1 and 2?

"Respondent: Yes, the same land.

"Q. It is also true that you were the attorney who appeared in all these cases?

"Respondent: Yes, sure."

Respondent has accordingly violated article 1459 of the Civil Code, in breach of professional conduct. In accordance with the exemplary punishment we have set forth in *Hernandez vs. Villanueva* (40 Phil., 775), which involved a like breach of professional ethics, respondent herein is hereby ordered suspended from the practice of law for a period of six months effective as of the date this judgment becomes final.

Avanceña, C.J., Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

Respondent suspended for six months.

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