

ESTER FLORES, COMPLAINANT, VS. ATTY. LUIS CASTILLO REYNO, RESPONDENT.

Adm. Case No. 761. November 17, 1980

Ponente: CONCEPCION, JR., J.

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CONCEPCION, JR., J.:

In a sworn complaint filed with the Court on April 1, 1967, Ester Flores charged her former counsel, Atty. Luis Castillo Reyno with malpractice: (1) for misappropriating the funds of his clients; and (2) for proposing to his client the cor-ruption of public officials, committed as follows:

“2. That on or about the month of August, 1966, she became interested in the purchase of a lot from the PHHC and, needing the services of a lawyer for the same, she engaged respondent to represent her in the same;

“3. That in the course of such representation, respondent was able to extract from her the sum of over Three Thousand (P3,000.00) Pesos for the purpose, according to him, of greasing the palms of the directors of the PHHC in order to make them approve her application for the purchase of the lot in question;

“4. That, notwithstanding her having paid him the said sum which was all the savings she had, respondent was not able to realize what he had promised complainant;

“5. That on or about the middle of December, 1966, respondent was again demanding from complainant the sum of Twenty Thousand (P20,000.00) Pesos, more or less, for the purpose again, according to him, of giving it under the table to the directors of the PHHC in order, again, to insure the approval of complainant's application for purchase of the lot;

"6. That the matter hereinabove alleged is evidenced by the letter of respondent of December 12, 1966 in his own handwriting addressed to complainant and her husband, a photostatic copy whereof, marked Annex 'A', is herewith attached and made a part hereof in which he says in some parts thereof:

"The said lot may therefore be awarded by the PHHC Board to whomsoever they choose to sell the same with the usual "under the table" greeze (sic) money. x x x Here are the proposed figures for an outright sale of the lot to any interested purchaser, not necessarily Amano or Makabingkil.

Price of the lot to the PHHC

P 4,400.00

'Kickbacks' if you may call it

15,000.00

Total costs of lot

P19,400.00

x x x I know the PHHC officials will go on with the sale of the lot to anybody who will 'come across' x x x.'

"7. That, becoming wary and suspicious of the conduct of respondent, she made investigations at the PHHC and was informed that the representations of respondent that he has delivered part of the money that he received from complainant to the directors of the PHHC as kickbacks or grease money were false, untrue and malicious as not a single centavo of the said sums was delivered to and/ or received by any of said directors; x x x."

The complaint was referred to the Solicitor General for investigation, report and recommendation,[1] and after a protracted hearing, the Solicitor General submitted a report, finding that there was no sufficient evidence to support the charge of misappropriation, and recommended that the respondent attorney be absolved therefrom. He found, however, that the letter of December 12, 1966 which respondent wrote complainant and her husband is highly incriminatory as it proposes to complainant and her husband the bribery of PHHC officials for the purpose of procuring the illicit sale of government land to complainant or her associate so that the respondent committed malpractice and violated both the lawyer's oath and the Canon of Professional Ethics.[2] Accordingly, he filed a complaint for malpractice against the respondent attorney.[3] The respondent filed his answer thereto, denying the charges against him, and claiming, as special and/or affirmative defenses:

"5. That the letter of the respondent (Annex 'A') was sent to complainant merely to impress the latter of respondent's accommodating stand and attitude towards said complainant as an old acquaintance of her husband, but short of respondent's actual and direct involvement or active participation into the transaction complainant wants to be effected and carried out. The alleged involvement by the respondent is clearly debunked by his own formal and official action and representation with the appropriate PHHC official the following day when he sent that letter dated December 13, 1966 (Annex 'I') in behalf of Maria Amano for the lot in question.

"6. The complaint is ill-motivated as the product of vengeful minds in the persons of complainant Ester Flores who was frustrated in her attempt to get award of the entire lot in question for herself and her maid thru the means aforesaid ('grease money' or 'kickbacks') and Mr. Suzara of the PHHC for the reason already stated above.

"7. The investigation below resulting in the conclusion and recommendation attached to the complaint has been myopically conducted with some important angles and aspects of the case overlooked, particularly the motive of the complainant and others possibly behind it.

"8. That there has been actually no act of the respondent in pursuing the questionable proposition and/or irregular transaction with the PHHC officials regarding the lot in question as he took immediately a contrary action against complainant's corrupt profer."

Wherefore, he prayed "that after due hearing or further investigation of the case it absolves the respondent from the charge preferred against him by the complainant, x x x." [4]

In view thereof, the case was referred to the Court's Legal Officer-Investigator in order to afford the respondent an opportunity to present additional evidence.[5] After the reception of additional evidence, the Legal Officer-Investigator submitted his report, finding that the letter of the respondent attorney does not indicate malpractice and violation of the lawyer's oath, and accordingly, strongly recommends his exoneration.[6]

After reviewing the records, We find the report of the Legal Officer-Investigator that the respondent is innocent of the charges against him to be more in keeping with justice in our compassionate society. To begin with, there is

no dispute that there is no sufficient evidence to prove that the respondent attorney had misappropriated the funds of his client, and for this reason, he is absolved therefrom. We also find that the evidence presented is insufficient to support the charge of malpractice. The letter, dated December 12, 1966, written by the respondent to the complainant and her husband, does not indicate that the respondent had ever proposed to his client that the directors of the PHHC be bribed so that the lot she had applied for will be awarded to her. The language used is clear and simple as to be capable of any other interpretation. The said letter reads:

"Dec. 12, 1966

"Dear Engr. & Mrs. Flores,

"This is to confirm the verbal advise and information regarding the lot squatted by Aling Maria with the Makabingkils. As I have told you before the longer the disposition of this lot the more cases to crop out involving Aling Maria. Such early dis-position by the PHHC to anybody the said corporation may see fit (either to Amano or to anybody) the sooner we will be saved of the tension and anxiety brought about by the charges and counter-charges of the two squatters.

"The records of the lot show that the Makabingkels refused award of the lot. Aling Maria is there as a mere squatter and so with the Makabingkils -- they are there now also in the same category. The said lot may therefore be awarded by the PHHC Board to whomsoever they choose to sell the same with the usual 'under the table' greeze money. (Please see the issue of the Manila Chronicle today regarding this item on its back page.) Here are the proposed figures for an outright sale of the lot to any interested purchaser, not necessarily Amano or Makabingkil.

Price of the lot to the PHHC

P 4,400.00

'Kickbacks' if you may call it

15,000.00

Total costs of the lot

P19,400.00

or at the price of P50.00 per sq. m. as against the prevailing market price of P85.00 per sq. m, in the same vicinity.

"I know the PHHC officials will go on with the sale of the lot to anybody who will 'come across' the news report in the Chronicle notwithstanding. But because I happen to be Amano's counsel, PHHC contacts have intimated to me that my said client can have the chance until Wednesday noon.

"In view thereof, I had to send you that telegram. If you think you can make it, advise me not later than Wednesday evening. If we do not hear from you until that time, we shall take it to mean that you cannot make for the asking price and I will in turn advise the PHHC contacts to proceed as they please.

"Send me telegraphic advise for expediency so we can request withholding of action in favor of parties other than Mrs. Amano and /or your good selves.

"Regard

"(Sgd) L. CASTILLO REYNO

Engr. & Mrs. Aciong Flores
Sison, Pangasinan."

The respondent could not have proposed or suggested to the complainant in the said letter the subornation of the directors of the PHHC by giving them a bribe of P15,000.00 for the award of the entire lot applied for by Maria Amano, in view of the letter previously written by the respondent on December 5, 1966, to the Chairman of the PHHC Committee on Award asking for the settlement of the dispute between Mrs. Amano and Mrs. Flores (herein complainant) on one hand, and Mrs. Elizabeth Makabingkil on the other, by awarding the disputed lot to the claimants in fifty-fifty (50-50) pro indiviso shares. The most that can be gathered from the letter is that the respondent is aware of the practice of some officials in the PHHC of asking for "kickback" or grease money and the respondent merely transmitted this information to the complainant. But, there is nothing in the letter to show that he accepted the practice and had induced the complainant to give a bribe, or to extort a bribe from the complainant.

WHEREFORE, the instant case should be, as it is hereby, DISMISSED.

SO ORDERED.

Barredo, (Chairman), Aquino, Abad Santos, and De Castro, JJ., concur.

[1] Rollo, p. 23.

[2] Id., p. 26.

[3] Id., p. 40.

[4] Id., p. 49.

[5] Id., p. 61.

[6] Id., p. 62.

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