

BENEDICTO M. JAVIER, COMPLAINANT, VS. SILVERIO Q. CORNEJO, RESPONDENT.*Adm. Case No. 778. August 14, 1936*

Ponente: LAUREL, J.

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The respondent Silverio Q. Cornejo, a practising lawyer of Lipa, Batangas, is charged with malpractice (a) for trying to collect from a brother attorney a sum of money by means of threat, and (6) for having instigated Severina Paz Teodoro to file a complaint against the herein complainant, Attorney Benedicto M. Javier, for malpractice (Administrative Case No. 757) knowing fully well that the charges therein preferred were malicious, flimsy and unfounded.

The complainant in support of his first charge refers to a letter dated December 2, 1935, in which demand was made upon him by the respondent for the delivery of P195 representing the amount collected and received by the said complainant by virtue of a judgment rendered in a certain civil case in the Court of First Instance of Rizal wherein Severina Paz Teodoro was the judgment creditor and the herein complainant was her counsel. In the same letter the complainant was given ten days within which to turn over the said P195, otherwise a complaint would be filed against him in this court. He was furthermore urged to settle the matter in due time for the preservation not only of his good name but also that of the legal profession.

We find nothing improper in this letter of the respondent to the complainant which would justify us in taking disciplinary action against the respondent. The letter is an extra-judicial demand for the payment of a sum of money which Severina Paz Teodoro had represented to the respondent as owing to her and which she sought to recover through his professional services. It was an honest effort on the part of the respondent to serve the interests of his client. The lawyer owes entire "devotion to the interest of his client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability", to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied (Code of Ethics, adopted by the American Bar Association and the Philippine Bar Association, No. 15; *In re Tionko* [1922], 43 Phil., 191, 194).

As to the second ground, it is alleged that the respondent in connivance with one Gregorio Tapia, induced Severina Paz Teodoro to accuse the herein complainant before this court of malpractice. It appears that herein complainant was respondent in Administrative Case No. 757 of this court upon a charge of unlawful conversion of a judgment fund amounting to P195 pertaining to his client, Severina Paz Teodoro. This charge, however, was dismissed by resolution of this court on July 10, 1936. Now the complainant comes back against the herein respondent and charges him with having maliciously instigated the filing of the complaint in the aforesaid Administrative Case No. 757.

We find that Administrative Case No. 757 was instituted in this court on March 18, 1936 and that respondent Silverio Q. Cornejo intervened as counsel for the complainant therein on December 2, 1935. But long before these dates, Severina Paz Teodoro and her son Feliciano Patefla had already been demanding from the herein

complainant the return of the amount alleged to be due them (Exhibits B and C). The last demand letter (Exhibit C) was made on March 23, 1931, and its receipt acknowledged by the herein complainant in the same month (Exhibit E). This letter demanded the payment of the remaining balance of P166.50 from the sum which the herein complainant had collected and received as judgment fund of his erstwhile client Severina Paz Teodoro, and also advised that upon his failure to remit the amount demanded, the matter would be brought to the attention of this court. The complainant in Administrative Case No. 757, therefore, already knew on March 23, 1931, long before the respondent Silverio Q. Cornejo entered the scene, where to seek relief.

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.

The complaint against the respondent is dismissed for lack of merit. So ordered.

Avanceña, C. J., Villa-Real, Abad Santos, Imperial, Diaz, and Recto, JJ., concur.

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