

RUAFINA BAUTISTA, COMPLAINANT-PETITIONER, VS. ATTY. BENJAMIN O. BARRIOS, DEFENDANT-RESPONDENT.*Adm. Case No. 258. December 21, 1963*

Ponente: BENGZON, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b3d3e849f706/>**BENGZON, C.J.:**

Rufina Bautista complains that Atty. Barrios committed malpractice in that having drafted a deed of partition at her request, and as her attorney, he afterwards, in a suit to enforce it, refused to appear for her, and what is, worse, he appeared instead as counsel for the other party to the deed of partition and opposed her rights thereunder.

The evidence shows that in August 1955, Rufina Bautista engaged the services of respondent Atty. Barrios to draft an extra-judicial partition between Rufina Bautista and her brothers and sisters on one side and Federico Rovero on the other. The deed distributed the conjugal properties of Rovero and his deceased wife Maria Bautista, who was a sister of the Bautistas and who died intestate in 1952. The deed was prepared by said Barrios and was accordingly signed. Thereafter, in September of the same year, because Rovero refused to comply with the terms of the deed, Rufina Bautista sued him (Civil Case No. K-689, Capiz Court of First Instance) to deliver the properties awarded to her in the said extra-judicial partition. She asked respondent Barrios to represent her; but upon his refusal, Rufina was compelled to, and did engage the services of Atty. Artemio S. Arrieta. Thereafter, Atty. Barrios appeared for Federico Rovero, and opposed the demand of Rufina Bautista.

In an attempt to clear himself, respondent Barrios declared that it was not Rufina Bautista who had solicited his services in the preparation of the deed of partition, but that it was Federico Rovero.

As against the contrary assertions of Rufina Bautista, this defense of Atty. Barrios cannot prevail, for the reason that he himself in his answer to the complaint in this Court, admitted that he had prepared the deed "upon the joint request of Federico Rovero, Rufina Bautista and Francisco Bautista." Furthermore, the circumstance that upon refusal of Rovero to comply with the terms of the deed, Rufina went to ask Barrios to enforce it—he admits Rufina went to see him—by filing a complaint against Rovero, strongly corroborates Rufina's testimony that she had actually engaged his services to draft the partition. Indeed, when she asked him to file the complaint, and he refused, he did not tell her that he had been engaged by Rovero to draft the partition. He merely told her she had no case, and that he was reluctant "to take up a lost cause."

On this issue of fact, the Solicitor-General finds against respondent. And we agree with said official.

Furthermore, even supposing that, as claimed by Atty. Barrios, he was employed by both Rovero and the Bautista brothers to draft the partition, it is doubtful whether he could appear for one as against the other in a subsequent litigation. At most, if he could appear for one client, it should be for him who seeks to enforce the partition as drafted. Yet he appeared for Rovero who sought to avoid compliance with it, asserting that it did not, contain all the terms of the agreement, that it was subject to certain modifications, etc. Moreover, in his defense of Rovero, he raised issues which obviously violated Rufina's confidence, because he alleged—in behalf of Rovero—that the undisclosed modifications were known to Rufina at the time of the execution of the partition.

The inconsistent positions taken by the respondent coupled with some flimsy arguments he has advanced: [1], do not favorably impress this Court with his alleged good faith in the matter.

Corrective measures are called for, and, in accordance with the Solicitor-General's recommendation, Atty. Barrios is hereby suspended from the practice of his profession for a period of two years from the time this decision becomes final.

SO ORDERED.

Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1] For instance, his claim that he contracted no professional duties towards the Bautistas because he had not represented them before any "body, commission or Court."

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.